

116TH CONGRESS
2D SESSION

H. R. 6975

To amend the Puerto Rico Oversight, Management, and Economic Stability Act or “PROMESA”, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2020

Mr. GRIJALVA (for himself, Ms. VELÁZQUEZ, Mr. SERRANO, Mr. SOTO, and Ms. OCASIO-CORTEZ) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Puerto Rico Oversight, Management, and Economic Stability Act or “PROMESA”, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Amendments to
5 PROMESA Act of 2020”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

- Sec. 2. Table of contents.
- Sec. 3. Preventing conflicts of interest by oversight board.
- Sec. 4. Federal funding for operation of oversight board and title III proceedings.
- Sec. 5. Funding for essential public services.
- Sec. 6. Funding to promote economic growth.
- Sec. 7. Funding for operation of the University of Puerto Rico.
- Sec. 8. Disclosure by professional persons employed by court order.
- Sec. 9. Disclosure by professional persons employed by debtor.
- Sec. 10. Access to information.
- Sec. 11. GAO report on expenditures and operation of oversight board.
- Sec. 12. Puerto Rico Infrastructure Revitalization repealed.
- Sec. 13. Territorial relief for unsecured public debt.
- Sec. 14. Puerto Rico Public Credit Comprehensive Audit Commission.
- Sec. 15. Severability clause.

1 **SEC. 3. PREVENTING CONFLICTS OF INTEREST BY OVER-**
 2 **SIGHT BOARD.**

3 (a) **ELIGIBILITY FOR APPOINTMENTS.**—Section
 4 101(f)(2) of the Puerto Rico Oversight, Management, and
 5 Economic Stability Act (48 U.S.C. 2121(f)(2)) is amended
 6 to read as follows:

7 “(2) is not an officer, elected official, or em-
 8 ployee of the territorial government, a candidate for
 9 elected office of the territorial government, a former
 10 elected official of the territorial government, has
 11 never served in any official capacity in the territorial
 12 government or in any of the municipal governments
 13 or public corporations of the territorial government,
 14 or financial institutions owned by the territorial gov-
 15 ernment, and has never been an employee or director
 16 of any corporation, company, or institution that sold,
 17 purchased, or insured financial assets to or from the
 18 territorial government.”.

1 (b) EXECUTIVE DIRECTOR AND STAFF OVERSIGHT
2 BOARD.—Section 103 of the Puerto Rico Oversight, Man-
3 agement, and Economic Stability Act (48 U.S.C. 2123)
4 is amended—

5 (1) in subsection (a), by inserting after the pe-
6 riod at the end the following: “An individual may
7 not serve as Executive Director if that individual has
8 served in an official capacity in the territorial gov-
9 ernment, in a municipal government or public cor-
10 poration of the territorial government, or in a finan-
11 cial institution owned by the territorial government,
12 or has been an employee or director of a corporation,
13 company, or institution that has sold financial assets
14 to, purchased financial assets from, or insured finan-
15 cial assets of the territorial government.”; and

16 (2) by amending subsection (c) to read as fol-
17 lows:

18 “(c) ETHICS BOARD.—Not later than 30 days after
19 the date of the enactment of the Amendments to
20 PROMESA Act of 2020, in the case of the Oversight
21 Board for Puerto Rico, or 30 days after the formation of
22 an Oversight Board, for an Oversight Board formed after
23 the date of the enactment of this Act, the Oversight Board
24 shall designate an ethics board comprised of 3 nonexecu-
25 tive board members. The ethics board shall meet as need-

1 ed, but not less than once every 6 months, to consider
2 the compliance of members, the Executive Director, em-
3 ployees, contractors, and subcontractors of the Oversight
4 Board with all applicable Federal laws regulating the con-
5 duct of the Oversight Board, including conflict of interest,
6 financial disclosure, and open government laws.”.

7 (c) AUTHORITY TO ENTER INTO CONTRACTS.—Sec-
8 tion 104(g) of the Puerto Rico Oversight, Management,
9 and Economic Stability Act (48 U.S.C. 2124(g)) is
10 amended by inserting “The total cost of contracts entered
11 into under this subparagraph for any fiscal year may not
12 exceed 5 percent of the total operating budget of an Over-
13 sight Board for that fiscal year.” after the period at the
14 end.

15 (d) ETHICS.—Section 109 of the Puerto Rico Over-
16 sight, Management, and Economic Stability Act (48
17 U.S.C. 2129) is amended—

18 (1) in subsection (a)—

19 (A) by striking “and staff” after “all mem-
20 bers” and inserting “, employees, contractors,
21 and sub-contractors”;

22 (B) by inserting “, without exception”
23 after “United States Code”; and

24 (C) after the period at the end, by insert-
25 ing “An individual may not serve on an Over-

1 sight Board if that individual is in violation of
2 section 208 of title 18, United States Code.”;

3 and

4 (2) by adding at the end the following:

5 “(c) FORMAL WRITTEN STATEMENT.—An individual,
6 including an individual under consideration for appoint-
7 ment or serving as a member of an Oversight Board on
8 the date of the enactment of this subsection, may not serve
9 as a member of an Oversight Board or as an Executive
10 Director unless the individual—

11 “(1) has issued a formal statement regarding
12 that individual’s past and present compliance, and
13 intent of future compliance with all applicable Fed-
14 eral laws regulating the individual’s conduct, includ-
15 ing conflict of interest, financial disclosure, and open
16 government laws; and

17 “(2) has committed in writing to strictly abide
18 by section 208 of title 18, United States Code, and
19 other applicable Federal laws regulating their con-
20 duct, including conflict of interest, financial disclo-
21 sure, and open government laws.

22 “(d) FEDERAL LOBBYING.—Section 1913 of title 18,
23 United States Code, shall apply to all funds made available
24 to members and staff of an Oversight Board without re-
25 gard to the source of such funds.

1 “(e) ANNUAL ETHICS REPORT.—Not later than May
2 15 each year, the Executive Director and each member
3 of an Oversight Board shall file a report with the ethics
4 board. Such annual reports shall—

5 “(1) be posted by the ethics board on the public
6 electronic website of an Oversight Board not later
7 than June 1st of each year;

8 “(2) be filed in accordance with—

9 “(A) the Ethics in Government Act of
10 1978; and

11 “(B) the Stop Trading on Congressional
12 Knowledge Act of 2012; and

13 “(3) include information detailing the following
14 with regard to the individual during the year for
15 which the report is filed:

16 “(A) Income of the individual.

17 “(B) Honoraria given to the individual.

18 “(C) Assets held by the individual.

19 “(D) Financial transactions by the indi-
20 vidual.

21 “(E) Financial liabilities of the individual.

22 “(F) Positions held by the individual.

23 “(G) Agreements to which the individual is
24 a part.

25 “(H) Travel taken by the individual.

1 “(I) Gifts received by the individual.

2 “(J) Other details required pursuant to
3 paragraph (2).”.

4 (e) REQUIRED REPORTS.—Section 208 of the Puerto
5 Rico Oversight, Management, and Economic Stability Act
6 (48 U.S.C. 2148) is amended by adding at the end the
7 following:

8 “(d) ANNUAL ETHICS REPORT.—

9 “(1) ANNUAL REPORT REQUIRED.—Not later
10 than June 30th of each year, the ethics board shall
11 submit a report detailing compliance by members,
12 employees, contractors, and subcontractors of an
13 Oversight Board with section 109 directly to—

14 “(A) the President;

15 “(B) the House of Representatives Com-
16 mittee on Natural Resources; and

17 “(C) the Senate Committee on Energy and
18 Natural Resources.

19 “(2) CONFIDENTIALITY REQUIREMENT.—Mem-
20 bers, employees, contractors, or subcontractors of an
21 Oversight Board may not—

22 “(A) view any part of a report compiled or
23 being compiled to comply with this subsection
24 before that report is submitted under para-
25 graph (1);

1 “(B) delay submission of the report com-
 2 piled or being compiled to comply with this sub-
 3 section; and

4 “(C) attempt to influence the ethics board
 5 to make any change to the content of a report
 6 compiled or being compiled to comply with this
 7 subsection.”.

8 **SEC. 4. FEDERAL FUNDING FOR OPERATION OF OVER-**
 9 **SIGHT BOARD AND TITLE III PROCEEDINGS.**

10 Section 107 of the Puerto Rico Oversight, Manage-
 11 ment, and Economic Stability Act (48 U.S.C. 2127) is
 12 amended—

13 (1) by striking subsection (b); and

14 (2) by inserting after subsection (a) the fol-
 15 lowing new subsections:

16 “(b) FUNDING.—There is authorized to be appro-
 17 priated such sums as may be necessary to carry out the
 18 operations and proceedings of an Oversight Board under
 19 title III.

20 “(c) REMISSION OF EXCESS FUNDS.—If an Over-
 21 sight Board determines, in its sole discretion, that funds
 22 made available to an Oversight Board for the operations
 23 and proceedings of an Oversight Board under title III ex-
 24 ceed the amount required for those operations and pro-
 25 ceedings during a fiscal year, the excess funds shall be

1 remitted by the Executive Director to the Department of
2 the Treasury not later than 30 days after the end of the
3 fiscal year.”.

4 **SEC. 5. FUNDING FOR ESSENTIAL PUBLIC SERVICES.**

5 Section 201(b)(1)(B) of the Puerto Rico Oversight,
6 Management, and Economic Stability Act (48 U.S.C.
7 2141(b)(1)(B)) is amended—

8 (1) by inserting “full” before “funding”; and

9 (2) by inserting “, including public education,
10 public safety, health care, and pensions” before the
11 semicolon.

12 **SEC. 6. FUNDING TO PROMOTE ECONOMIC GROWTH.**

13 Section 201(b)(1)(J) of the Puerto Rico Oversight,
14 Management, and Economic Stability Act (48 U.S.C.
15 2141(b)(1)(J)) is amended by inserting “, including in-
16 vestments and expenditures to increase the creation of new
17 jobs, reduce income inequality, increase gross national
18 product and gross domestic product, expand workforce de-
19 velopment programs, transition informal economic activity
20 to the formal sector, increase the median household in-
21 come, and reduce the number of residents living under the
22 poverty level” before the semicolon.

1 **SEC. 7. FUNDING FOR OPERATION OF THE UNIVERSITY OF**
2 **PUERTO RICO.**

3 (a) AMENDMENT.—Title II of the Puerto Rico Over-
4 sight, Management, and Economic Stability Act (48
5 U.S.C. 2101 et seq.) is amended by adding at the end
6 the following:

7 **“SEC. 213. FUNDING FOR OPERATION OF THE UNIVERSITY**
8 **OF PUERTO RICO.**

9 “Until the termination of the Oversight Board for
10 Puerto Rico pursuant to section 209, the Fiscal Plan for
11 the Commonwealth of Puerto Rico and the Fiscal Plan
12 for the University of Puerto Rico, developed under section
13 201, shall include an annual allocation of public funds to
14 the University of Puerto Rico in an amount calculated
15 under the funding formula of Law 2–1966 or
16 \$800,000,000, whichever is greater, to allow the Univer-
17 sity of Puerto Rico to fulfill its major role as an essential
18 public service and to comply effectively with its obligations
19 and accreditation requirements.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 of the Puerto Rico Oversight, Management, and Economic
22 Stability Act (48 U.S.C. 2101 et seq.) is amended by in-
23 serting after the item relating to section 212 the following:

“Sec. 213. Funding for Operation of the University of Puerto Rico.”.

1 **SEC. 8. DISCLOSURE BY PROFESSIONAL PERSONS EM-**
2 **PLOYED BY COURT ORDER.**

3 (a) AMENDMENTS.—Title III of the Puerto Rico
4 Oversight, Management, and Economic Stability Act (48
5 U.S.C. 2101 et seq.) is amended by adding at the end
6 the following:

7 **“SEC. 318. DISCLOSURE BY PROFESSIONAL PERSONS EM-**
8 **PLOYED BY COURT ORDER.**

9 “(a) REQUIRED DISCLOSURE.—In a voluntary case
10 commenced under section 304, an attorney, accountant,
11 appraiser, auctioneer, agent, consultant, or other profes-
12 sional person may not be compensated under section 316
13 unless, before making a request for compensation, such
14 a professional person submitted a verified statement con-
15 forming to the disclosure requirements of rule 2014(a) of
16 the Federal Rules of Bankruptcy Procedure setting forth
17 the professional person’s connections with—

18 “(1) the debt, creditors, any other parties in in-
19 terest;

20 “(2) the attorneys and accountants of any per-
21 son or entity listed pursuant to paragraph (1);

22 “(3) an Oversight Board;

23 “(4) any person employed by an Oversight
24 Board; and

1 “(5) information on the identity of each entity
2 or person with whom such professional person has a
3 connection.

4 “(b) SUPPLEMENT.—A professional person referred
5 to in subsection (a) shall be required to—

6 “(1) supplement such verified statement as ad-
7 ditional relevant information becomes known to such
8 person; and

9 “(2) annually file a notice confirming the accu-
10 racy of such statement.

11 “(c) REVIEW.—

12 “(1) TRUSTEE.—The United States Trustee—

13 “(A) shall review each verified statement
14 submitted pursuant to subsection (a);

15 “(B) may file with the court comments on
16 such verified statements before the profes-
17 sionals filing such statements seek compensa-
18 tion under section 316; and

19 “(C) may object to any compensation ap-
20 plication filed under section 316 that fails to
21 satisfy the requirements of subsection (d).

22 “(2) STANDING.—A person having standing
23 under section 1109 of title 11, United States Code,
24 shall also have standing under this section. The dis-

1 trict court shall have jurisdiction to adjudicate all
2 matters arising under this section.

3 “(d) RETROACTIVITY.—If, on the date of the enact-
4 ment of this section, a court has entered orders approving
5 compensation under cases commenced under section 304,
6 each professional person previously awarded compensation
7 shall file a verified statement in accordance with sub-
8 section (a) not later than 30 days after such person’s first
9 request for compensation under section 316 occurring
10 after the date of the enactment of this section. The court
11 may not delay any proceeding in connection with a case
12 commenced under section 304 pending the filing of a
13 verified statement under this subsection.

14 “(e) LIMITATION ON COMPENSATION.—In a vol-
15 untary case commenced under section 304, in connection
16 with the review and approval of professional compensation
17 under section 316, the court may deny allowance of com-
18 pensation for services and reimbursement of expenses ac-
19 cruing after the date of the enactment of this section to
20 a professional person if such professional person—

21 “(1) failed to file statements of connections re-
22 quired by subsection (a) or filed inadequate state-
23 ments of connections;

24 “(2) is at any time during such professional
25 person’s employment in such case not a disinterested

1 person as defined in section 101(14) of title 11,
2 United States Code; or

3 “(3) represents, or holds an interest adverse to,
4 the interest of the estate with respect to the matter
5 on which such professional person is employed, ex-
6 cept that the qualification standards for committee
7 professionals shall be those set forth in section
8 1103(b) of title 11, United States Code.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 of the Puerto Rico Oversight, Management, and Economic
11 Stability Act (48 U.S.C. 2101 et seq.) is amended by in-
12 serting after the item relating to section 317 the following:

“Sec. 318. Disclosure by professional persons employed by court order.”.

13 **SEC. 9. DISCLOSURE BY PROFESSIONAL PERSONS EM-**
14 **PLOYED BY DEBTOR.**

15 (a) REQUIREMENTS.—Title III of the Puerto Rico
16 Oversight, Management, and Economic Stability Act (48
17 U.S.C. 2101 et seq.) is amended—

18 (1) in section 301(a)—

19 (A) by inserting “327,” after “112,”; and

20 (B) by inserting “328, 329,” before
21 “333,”;

22 (2) in section 316(a) by inserting “and subject
23 to sections 328 and 329 of title 11, United States
24 Code,” after “hearing,”; and

25 (3) by adding at the end the following:

1 **“SEC. 319. DISCLOSURE BY PROFESSIONAL PERSONS EM-**
2 **PLOYED BY THE DEBTOR.**

3 “(a) **REQUIRED DISCLOSURE.**—

4 “(1) **DISCLOSURE REQUIRED.**—An order ap-
5 proving the employment of attorneys, accountants,
6 appraisers, auctioneers, agents, or other professional
7 persons pursuant to section 327 of title 11, United
8 States Code (as incorporated into this title by sec-
9 tion 301 of this Act), shall be accompanied by a
10 verified statement of the professional person to be
11 employed setting forth the professional person’s indi-
12 vidual connections (if any) with—

13 “(A) the debtor, creditors, any other party
14 in interest;

15 “(B) the attorneys and accountants of any
16 person or entity listed pursuant to paragraph
17 (1);

18 “(C) an Oversight Board; and

19 “(D) any person employed by an Oversight
20 Board.

21 “(2) **ADDITIONAL INFORMATION.**—Such state-
22 ment shall include information on the identify of
23 each entity or person listed in the statement re-
24 quired under paragraph (1).

25 “(b) **PROHIBITION.**—No claim of privilege, or of con-
26 tractual or legal confidentiality, shall be allowed relating

1 to any disclosure required by subsection (a) or by Rule
2 2014(a) of the Federal Rules of Bankruptcy Procedure.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 of Puerto Rico Oversight, Management, and Economic
5 Stability Act (48 U.S.C. 2101 et seq.) is amended by in-
6 serting after the item relating to section 318 the following:

“Sec. 319. Disclosure by professional persons employed by the debtor.”.

7 (c) EFFECTIVE DATE; APPLICATION OF AMEND-
8 MENTS.—

9 (1) EFFECTIVE DATE.—Except as provided in
10 paragraph (2), this section and the amendments
11 made by this section shall take effect on June 30,
12 2016.

13 (2) SPECIAL APPLICATION.—The amendments
14 made by paragraphs (1)(A) and (2) of subsection (a)
15 shall take effect 30 days after the date of the enact-
16 ment of this section.

17 **SEC. 10. ACCESS TO INFORMATION.**

18 (a) AMENDMENT.—Title III of the Puerto Rico Over-
19 sight, Management, and Economic Stability Act (48
20 U.S.C. 2101 et seq.) is amended by adding after section
21 319 (as added by section 9 of this Act), the following:

22 **“SEC. 320. ACCESS TO INFORMATION RELATING TO PUBLIC**
23 **DEBT OF PUERTO RICO.**

24 “(a) PUBLIC DOCUMENTS.—Any document, record,
25 or information relating to the public debt of Puerto Rico

1 or any of its territorial instrumentalities, including any
2 document relating to any public offering, contract, agree-
3 ment, order, or report detailing how funds obtained are
4 spent, or contract or agreements with a creditor, shall
5 be—

6 “(1) classified as a public document; and

7 “(2) made accessible to any interested person.

8 “(b) CONFIDENTIALITY.—Any claim of confiden-
9 tiality relating to information described in subsection (a)
10 by any person, including any entity, current or past offi-
11 cial of Puerto Rico, or current or past official of the Over-
12 sight Board for Puerto Rico shall be construed narrowly
13 in favor of promoting transparency and the right of the
14 public to that information.

15 “(c) ENFORCEMENT.—On complaint, the United
16 States District Court for the district of Puerto Rico shall
17 have jurisdiction to enjoin the Oversight Board for Puerto
18 Rico or any local agency from withholding agency records
19 and to order the production of any agency records impropr-
20 erly withheld from the complainant. In such a case, the
21 District Court shall determine the matter de novo and may
22 examine the contents of such agency records in camera
23 to determine whether the records, in whole or in part,
24 should be withheld under any exemption set forth in sec-
25 tion 552(b) of title 5, United States Code (commonly

1 known as the ‘Freedom of Information Act’). The Over-
 2 sight Board for Puerto Rico or a local agency shall bear
 3 the burden of proving that an exemption applies. The Dis-
 4 trict Court’s jurisdiction over these matters shall be non-
 5 exclusive and without prejudice to any remedies provided
 6 under local law.

7 “(d) ATTORNEY FEES.—The United States District
 8 Court for the district of Puerto Rico may assess against
 9 the Oversight Board of Puerto Rico or a relevant local
 10 agency reasonable attorney fees and other costs reasonably
 11 incurred in any case under this section in which the com-
 12 plainant obtained any relief through either—

13 “(1) a judicial order or an enforceable written
 14 agreement or consent decree; or

15 “(2) a voluntary or unilateral change in posi-
 16 tion by the agency, if the complainant’s claim is not
 17 insubstantial.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
 19 of the Puerto Rico Oversight, Management, and Economic
 20 Stability Act (48 U.S.C. 2101 et seq.) is amended by in-
 21 serting after the item relating to section 319 the following:

“Sec. 320. Access to information relating to public debt of Puerto Rico.”.

22 **SEC. 11. GAO REPORT ON EXPENDITURES AND OPERATION**
 23 **OF OVERSIGHT BOARD.**

24 (a) AMENDMENT.—Title I of the Puerto Rico Over-
 25 sight, Management, and Economic Stability Act (48

1 U.S.C. 2101 et seq.) is amended by adding at the end
2 the following:

3 **“SEC. 110. REPORT ON OVERSIGHT BOARD.**

4 “Not later than 30 days after the last day of each
5 fiscal year, the Comptroller General of the United States
6 shall report to the President, the House of Representatives
7 Committee on Natural Resources and the Senate Com-
8 mittee on Energy and Natural Resources the results of
9 an audit completed for the calendar year before the report
10 containing—

11 “(1) details of all matters related to the receipt,
12 disbursement, and use of Federal funds authorized
13 under section 4;

14 “(2) an analysis of the expenditures and esti-
15 mate of the cost to the United States of the oper-
16 ation of an Oversight Board;

17 “(3) the compliance or noncompliance of an
18 Oversight Board with this Act and all other applica-
19 ble laws; and

20 “(4) recommendations for improving the oper-
21 ations of an Oversight Board.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 of the Puerto Rico Oversight, Management, and Economic
24 Stability Act (48 U.S.C. 2101 et seq.) is amended by in-
25 serting after the item relating to section 109 the following:

“Sec. 110. Report on Oversight Board.”.

1 **SEC. 12. PUERTO RICO INFRASTRUCTURE REVITALIZATION**

2 **REPEALED.**

3 Title V of the Puerto Rico Oversight, Management,
4 and Economic Stability Act (48 U.S.C. 2211 et seq.) (re-
5 lating to Puerto Rico Infrastructure Revitalization) is re-
6 pealed.

7 **SEC. 13. TERRITORIAL RELIEF FOR UNSECURED PUBLIC**

8 **DEBT.**

9 (a) IN GENERAL.—The Puerto Rico Oversight, Man-
10 agement, and Economic Stability Act (48 U.S.C. 2101 et
11 seq.) is amended by adding after title VII, the following:

12 **“TITLE VIII—TERRITORIAL**
13 **RELIEF**

14 **“SEC. 801. DEFINITIONS.**

15 “For purposes of this title:

16 “(1) COLLATERAL.—The term ‘collateral’
17 means property subject to a security interest.

18 “(2) FINANCIAL OBLIGATION.—The term ‘fi-
19 nancial obligation’ means an obligation validly owed
20 as of the effective date of this title by a qualifying
21 territory or an instrumentality of a qualifying terri-
22 tory that arises from any—

23 “(A) security issued by a qualifying terri-
24 tory or instrumentality of a qualifying territory;

25 “(B) loan taken out by a qualifying terri-
26 tory or instrumentality of a qualifying territory;

1 “(C) repurchase or swap or other deriva-
2 tive contract entered into by a qualifying terri-
3 tory or instrumentality of a qualifying territory;
4 or

5 “(D) guaranty of any security or loan or
6 repurchase or swap or other derivative contract
7 by a qualifying territory or instrumentality of a
8 qualifying territory; and does not include any—

9 “(i) claim made by a vendor or service
10 provider that is owed payment by a quali-
11 fying territory or an instrumentality of a
12 qualifying territory for a good or service
13 rendered in the ordinary course of busi-
14 ness;

15 “(ii) claim made by or on behalf of a
16 current or former employee of a qualifying
17 territory or an instrumentality of a quali-
18 fying territory that is owed payment for a
19 pension or other retirement benefit, or for
20 a health care benefit of any kind; or

21 “(iii) claim against a qualifying terri-
22 tory or an instrumentality of a qualifying
23 territory for a pending tax refund or tax
24 credit.

1 “(3) INSTRUMENTALITY.—The term ‘instru-
2 mentality’ includes—

3 “(A) a political subdivision of a qualifying
4 territory;

5 “(B) a public agency of a qualifying terri-
6 tory;

7 “(C) a public corporation of a qualifying
8 territory; and

9 “(D) a banking corporation of a qualifying
10 territory.

11 “(4) PER CAPITA DEBT OF THE TERRITORY.—
12 The term ‘per capita debt of a territory’ means the
13 quotient obtained by dividing—

14 “(A) the aggregate amount of the financial
15 obligations of a territory and the instrumentality
16 of the territory, which shall not include—

17 “(i) Federal debt; and

18 “(ii) the unfunded liabilities of a pen-
19 sion system of the government of the quali-
20 fying territory or any instrumentality of a
21 qualifying territory for the payment of
22 pension and other retirement benefits, or
23 health care benefits of any kind, to current
24 or former employees of the qualifying terri-
25 tory or the instrumentality of the quali-

1 fying territory that are owed payment for
2 a pension or other retirement benefit, or
3 for a health care benefit of any kind; by

4 “(B) the population of the territory (based
5 on the most recent data available from the Bu-
6 reau of the Census).

7 “(5) PROCEEDS.—The term ‘proceeds’ means
8 amounts—

9 “(A) acquired from the sale, lease, license,
10 exchange, or other disposition of collateral; and

11 “(B) collected from, or distributed on ac-
12 count of, collateral.

13 “(6) QUALIFYING TERRITORY.—The term
14 ‘qualifying territory’ means a territory that meets
15 two or more of the following qualifications:

16 “(A) The population of the territory, based
17 on the most recent data available from the Bu-
18 reau of the Census, has decreased by more than
19 5 percent during the 10-year period ending on
20 the date of a discharge under section 802.

21 “(B) The territory received major disaster
22 assistance under the Robert T. Stafford Dis-
23 aster Relief and Emergency Assistance Act (42
24 U.S.C. 5121 et seq.) during the 5-year period

1 ending on the date of a discharge under section
2 802.

3 “(C) The per capita debt of the territory
4 is greater than \$15,000 (as adjusted annually
5 to reflect the percentage change in the Con-
6 sumer Price Index for all Urban Consumers
7 published by the Bureau of Labor Statistics of
8 the Department of Labor).

9 “(7) SECURED FINANCIAL OBLIGATION.—The
10 term ‘secured financial obligation’ means any finan-
11 cial obligation to the extent of the value of any col-
12 lateral pledged by a qualifying territory or any in-
13 strumentality of a qualifying territory to secure the
14 repayment of the financial obligation pursuant to a
15 valid and perfected security interest under applicable
16 territorial law, not including—

17 “(A) any property acquired or anticipated
18 to be acquired by a qualifying territory or an
19 instrumentality of a qualifying territory after
20 the date of a discharge under section 802, even
21 if that property, when acquired, would have be-
22 come collateral subject to a security interest; or

23 “(B) any proceeds, products, offspring, or
24 profits of the collateral not in existence on the
25 date of a discharge under section 802, unless

1 the property constitutes the proceeds of a col-
2 lateral to which the security interest has at-
3 tached as of the date of the discharge.

4 “(8) TERRITORY.—The term ‘territory’ has the
5 meaning given such term in section 5(20) excluding
6 subparagraph (E) of such section.

7 “(9) UNSECURED FINANCIAL OBLIGATION.—
8 The term ‘unsecured financial obligation’ means any
9 financial obligation to the extent the financial obliga-
10 tion is not a secured financial obligation.

11 **“SEC. 802. RELIEF THROUGH EXERCISE OF THE POWER TO**
12 **REGULATE COMMERCE, THE BANKRUPTCY**
13 **POWER, AND THE TERRITORIAL POWER.**

14 “(a) IN GENERAL.—Pursuant to clauses 3 and 4 of
15 section 8 of article I and clause 2 of section 3 of article
16 IV of the Constitution of the United States, any unsecured
17 financial obligation of a qualifying territory or an instru-
18 mentality of a qualifying territory that is outstanding is
19 discharged on the date on which a resolution stating that
20 the qualifying territory wishes to discharge the unsecured
21 financial obligations of the qualifying territory and the in-
22 strumentalities of the qualifying territory—

23 “(1) is adopted by an affirmative vote of more
24 than 50 percent of the members of each house of the

1 legislature of that qualifying territory and is signed
2 by the chief executive of the qualifying territory; or

3 “(2) is adopted by an affirmative vote of not
4 less than two-thirds of the members of each house
5 of the legislature of that qualifying territory.

6 “(b) LIMITATION.—A qualifying territory may dis-
7 charge unsecured financial obligations of the qualifying
8 territory and the instrumentalities of the qualifying terri-
9 tory under this title not more frequently than once during
10 any 7-year period. Such discharge shall prohibit the quali-
11 fying territory from discharging, adjusting, or impairing,
12 in any manner or degree including in a proceeding under
13 title III, a claim made by a vendor or service provider that
14 is owed payment by a qualifying territory or an instrumen-
15 tality of a qualifying territory that is owed payment for
16 a pension or other retirement benefit, or for a health care
17 benefit of any kind.

18 “(c) NO STAY OF ACTIONS BY QUALIFYING TERRI-
19 TORY TO OBTAIN A DISCHARGE.—Notwithstanding any
20 other provision of Federal, State, or territorial law, the
21 ability of a qualifying territory to obtain a discharge under
22 this title shall not be stayed, avoided, or otherwise limited
23 by operation of any provision of law or by order of a court,
24 an Oversight Board, or an administrative agency in any
25 proceeding.

1 “(d) SECURED FINANCIAL OBLIGATIONS UNAF-
2 FECTED.—

3 “(1) IN GENERAL.—Except as provided in para-
4 graph (3) of section 803, nothing in subsection (a)
5 shall affect the validity and enforceability of any fi-
6 nancial obligation of a qualifying territory or an in-
7 strumentality of a qualifying territory to the extent
8 that the obligation is a secured financial obligation.

9 “(2) VOIDABILITY.—Notwithstanding para-
10 graph (1), a secured financial obligation of a quali-
11 fying territory or an instrumentality of a qualifying
12 territory may be voidable or otherwise impaired
13 under any other applicable law.

14 “(e) RULE OF CONSTRUCTION.—Nothing in this title
15 shall be construed to operate as a stay of a pending case
16 brought under title III, or of any act of an Oversight
17 Board appointed under this Act, or to reinstate financial
18 obligations discharged under this title through any proce-
19 dure under this Act.

20 **“SEC. 803. EFFECT OF DISCHARGE.**

21 “A discharge under section 802 shall—

22 “(1) except with regard to actions brought
23 under section 804, operate as a permanent stay, ap-
24 plicable to all entities and enforceable by the quali-
25 fying territory or an instrumentality of the quali-

1 fying territory in any court with jurisdiction over an
2 action described in section 804(a), against the com-
3 mencement or continuation of an action, the employ-
4 ment of process, or an act to collect, recover, or off-
5 set any outstanding financial obligation to the extent
6 that the financial obligation is not a secured finan-
7 cial obligation as of the date of the discharge, re-
8 gardless of whether discharge of that unsecured fi-
9 nancial obligation is waived by the qualifying terri-
10 tory;

11 “(2) void any outstanding judgment entered on
12 an unsecured financial obligation of the qualifying
13 territory or an instrumentality of the qualifying ter-
14 ritory to the extent that such judgment is a deter-
15 mination of liability of the qualifying territory or in-
16 strumentality; and

17 “(3) if prior to the date of the discharge under
18 section 802, the qualifying territory or an instru-
19 mentality of the qualifying territory entered into a
20 security agreement securing a financial obligation,
21 prevent the security interest created by the security
22 agreement from attaching to any property acquired
23 by the qualifying territory or an instrumentality of
24 a qualifying territory after the date of the discharge
25 under section 802, except to the extent that such

1 property constitutes the proceeds of collateral to
2 which the security interest had attached as of the
3 date of the discharge.

4 **“SEC. 804. ACTIONS RELATED TO THE STATUS OF FINAN-**
5 **CIAL OBLIGATIONS.**

6 “(a) IN GENERAL.—Any financial obligation is con-
7 clusively deemed to be an unsecured financial obligation
8 except to the extent that the holder of that obligation
9 proves that the financial obligation is a secured financial
10 obligation in an action for a declaratory judgment that
11 is filed—

12 “(1) in—

13 “(A) an appropriate territorial court of the
14 qualifying territory; or

15 “(B) a district court of the United States
16 in the qualifying territory; and

17 “(2) not later than 180 days after the date of
18 a discharge under section 802.

19 “(b) BURDEN OF PROOF.—In an action described in
20 subsection (a), the holder of an obligation shall be required
21 to prove by clear and convincing evidence that—

22 “(1) the obligation is a secured financial obliga-
23 tion; and

1 “(2) any revenues generated after a discharge
2 under section 802 are the proceeds of the collateral
3 securing the secured financial obligation.

4 “(c) EXCLUSIVE JURISDICTION.—Notwithstanding
5 title 28, United States Code, a court described in sub-
6 section (a)(1) shall have exclusive jurisdiction over an ac-
7 tion involving, arising from, or related to the status of a
8 financial obligation as a secured or an unsecured financial
9 obligation under subsection (a), including—

10 “(1) any action asserting a taking under the
11 fifth article of amendment to the Constitution of the
12 United States; and

13 “(2) any action for declaratory judgment.

14 “(d) APPEALS.—Any appeal from an action under
15 this section shall be heard solely—

16 “(1) for a case filed under subsection (a)(1)(A),
17 in the appropriate territorial court of the qualifying
18 territory; or

19 “(2) for a case filed under subsection (a)(1)(B),
20 in the appropriate court of appeals of the United
21 States for the qualifying territory.

22 “(e) COSTS.—All parties shall bear their own costs
23 in an action under this section.

24 “(f) ESTOPPEL.—Any party to an action under this
25 section shall be estopped in other actions from claiming

1 that the party has been deprived of the property of that
2 party by virtue of—

3 “(1) a discharge under section 802; or

4 “(2) a final ruling in an action described in
5 subsection (a) that a financial obligation of a party
6 is an unsecured financial obligation.

7 “(g) BAR ON AVOIDANCE ACTIONS BY CREDITORS.—
8 Notwithstanding any other provision of law, a creditor of
9 a qualifying territory or an instrumentality of a qualifying
10 territory that has received a discharge under this title may
11 not avoid or bring an action to avoid, directly or deriva-
12 tively, any transfer of property made by the qualifying ter-
13 ritory or instrumentality.

14 “(h) AVOIDANCE OF SECURITY INTERESTS BY
15 QUALIFYING TERRITORIES AND INSTRUMENTALITIES OF
16 QUALIFYING TERRITORIES.—

17 “(1) IN GENERAL.—In addition to the relief
18 provided elsewhere in this Act, a qualifying territory
19 or an instrumentality of a qualifying territory, in a
20 civil action described in paragraph (2), may avoid
21 any security interest—

22 “(A) securing a financial obligation that
23 would be avoidable by a trustee in a case under
24 chapter 7 of title 11, United States Code, filed
25 on the date of the discharge under section 802

1 if, notwithstanding sections 101(41) and 109(a)
2 of title 11, United States Code, or any statute
3 of limitations under that title, the qualifying
4 territory or the instrumentality of the qualifying
5 territory were deemed an eligible debtor under
6 such chapter 7; or

7 “(B) securing a financial obligation to the
8 extent that the amount owed on the financial
9 obligation exceeds the value of any collateral,
10 subject to restrictions under paragraph (3), se-
11 curing the financial obligation.

12 “(2) CIVIL ACTIONS.—A civil action described
13 in this paragraph shall be—

14 “(A) brought by a qualifying territory, an
15 instrumentality of a qualifying territory, or a
16 relator on behalf of a qualifying territory or an
17 instrumentality of a qualifying territory not
18 later than 2 years after the date of a discharge
19 under section 802; and

20 “(B) filed in—

21 “(i) an appropriate territorial court of
22 the qualifying territory; or

23 “(ii) a district court of the United
24 States for the qualifying territory.

1 “(3) VALUE OF COLLATERAL.—For the purpose
2 of determining the value of collateral under para-
3 graph (1)(B), the following shall not be included:

4 “(A) Any proceeds, products, offspring, or
5 profits of the collateral not in existence on the
6 date of a discharge under section 802, regard-
7 less of whether those proceeds, products, off-
8 spring, or profits of the collateral would become
9 collateral subject to a security interest after the
10 date of a discharge under section 802.

11 “(B) Any property acquired or anticipated
12 to be acquired by a qualifying territory or an
13 instrumentality of a qualifying territory after
14 the date of a discharge under section 802, re-
15 gardless of whether that property, when ac-
16 quired, would have become collateral subject to
17 a security interest.

18 “(C) Any contract right to tax revenues
19 that arise after the date of a discharge under
20 section 802.

21 **“SEC. 805. NOTICE OF DISCHARGE.**

22 “(a) IN GENERAL.—

23 “(1) RESPONSIBILITIES OF A QUALIFYING TER-
24 RITORY OR AN INSTRUMENTALITY OF A QUALIFYING

1 TERRITORY.—After a discharge under section 802,
2 the qualifying territory shall promptly—

3 “(A) notify the Secretary of the Treasury
4 of the discharge;

5 “(B) provide actual notice of the discharge
6 and of the right to bring an action under sec-
7 tion 804 to—

8 “(i) any known holder of a financial
9 obligation as of the date of the discharge;

10 “(ii) any known indenture trustee for
11 a financial obligation as of the date of the
12 discharge;

13 “(iii) any known agent bank for the
14 loan, swap, repurchase agreement, or other
15 derivative of the holder of a financial obli-
16 gation as of the date of the discharge; and

17 “(iv) any known financial guaranty in-
18 surer of a financial obligation as of the
19 date of the discharge;

20 “(C) publish a general notice, in each of
21 the governmental languages of the qualifying
22 territory, of the discharge and of the right to
23 bring an action under section 804 in—

24 “(i) not less than 1 newspaper of gen-
25 eral circulation of each governmental lan-

1 guage published in the qualifying territory;
2 and

3 “(ii) not fewer than 2 daily news-
4 papers that each have a national circula-
5 tion in the United States and a general au-
6 dience; and

7 “(D) publish the general notice described
8 in subparagraph (C) in the newspapers de-
9 scribed in subparagraph (C) not less than once
10 each week during the 3-week period beginning
11 on the date on which that general notice is first
12 published.

13 “(2) NOTICE IN THE FEDERAL REGISTER.—On
14 the date on which the Secretary of the Treasury re-
15 ceives the notice described in paragraph (1)(A), the
16 Secretary of the Treasury shall promptly cause to be
17 published in the Federal Register a notice of that
18 discharge and of the right to bring an action under
19 section 804.

20 “(b) ADEQUATE NOTICE.—

21 “(1) HOLDERS OF FINANCIAL OBLIGATIONS.—

22 “(A) IN GENERAL.—A holder of a financial
23 obligation shall be presumed to have received
24 adequate notice of a discharge under section
25 802 if, during the 180-day period beginning on

1 the date of a discharge under section 802, a
2 qualifying territory provides actual notice of the
3 discharge and of the right to bring an action
4 under section 804 to—

5 “(i) the holder of the financial obliga-
6 tion as of the date of the discharge;

7 “(ii) an indenture trustee for the se-
8 curity of the holder as of the date of the
9 discharge; or

10 “(iii) an agent bank for the loan,
11 swap, repurchase agreement, or other de-
12 rivative of the holder of a financial obliga-
13 tion as of the date of the discharge.

14 “(B) REBUTTABLE PRESUMPTION.—The
15 presumption described in subparagraph (A)
16 may be rebutted by clear and convincing evi-
17 dence that the holder of the financial obligation
18 did not receive adequate evidence.

19 “(2) NOTICE TO A FINANCIAL GUARANTY IN-
20 SURER.—A financial guaranty insurer shall be con-
21 clusively deemed to have received adequate notice of
22 a discharge under section 802 if, during the 180-day
23 beginning on the date of a discharge under section
24 802, the financial guaranty insurer receives actual

1 notice of the discharge and of the right to bring an
2 action under section 804.

3 **“SEC. 806. APPLICABILITY.**

4 “This title shall not apply to American Samoa, the
5 Commonwealth of the Northern Mariana Islands, Guam,
6 or the Virgin Islands of the United States.

7 **“SEC. 807. EFFECTIVE DATE.**

8 “This title shall take effect 60 days after the date
9 of the enactment of the Amendments to PROMESA Act
10 of 2020.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 of the Puerto Rico Oversight, Management, and Economic
13 Stability Act (48 U.S.C. 2101 et seq.) is amended by in-
14 serting after the items relating to title VII the following:

“TITLE VIII—TERRITORIAL RELIEF

“Sec. 801. Definitions.

“Sec. 802. Relief through exercise of the power to regulate commerce, the
bankruptcy power, and the territorial power.

“Sec. 803. Effect of discharge.

“Sec. 804. Actions related to the status of financial obligations.

“Sec. 805. Notice of discharge.

“Sec. 806. Applicability.

“Sec. 807. Effective date.”.

15 **SEC. 14. PUERTO RICO PUBLIC CREDIT COMPREHENSIVE**
16 **AUDIT COMMISSION.**

17 (a) IN GENERAL.—The Puerto Rico Oversight, Man-
18 agement, and Economic Stability Act (48 U.S.C. 2101
19 note et seq.) (as amended by section 13 of this Act) is
20 further amended by adding at the end the following:

1 **“TITLE IX—PUBLIC CREDIT**
2 **COMPREHENSIVE AUDIT**

3 **“SEC. 901. PUERTO RICO PUBLIC CREDIT COMPREHENSIVE**
4 **AUDIT COMMISSION.**

5 “(a) DEFINITIONS.—In this title, the following defini-
6 tions apply:

7 “(1) AUDIT ACTIONS.—The term ‘audit actions’
8 means—

9 “(A) the public debt contracting, re-fi-
10 nancing, or renegotiation process;

11 “(B) the source and intended use of re-
12 sources; and

13 “(C) the implementation of programs and
14 projects financed with domestic or foreign debt.

15 “(2) COMMISSION.—The term ‘Commission’
16 means the Puerto Rico Public Credit Comprehensive
17 Audit Commission.

18 “(3) COMPREHENSIVE AUDIT.—The term ‘com-
19 prehensive audit’ means a supervisory action taken
20 to—

21 “(A) examine and evaluate audit actions;

22 “(B) consider legal and financial aspects,
23 and the economic, social, ecological, national,
24 and municipal impacts of audit actions; and

1 “(C) using the information obtained after
2 completing the requirements under paragraphs
3 (1) and (2), determine the legitimacy, lawful-
4 ness, transparency, quality, efficacy, and effi-
5 ciency of the audit actions.

6 “(4) COOPERATIVE SECTOR.—The term ‘coop-
7 erative sector’ means autonomous associations of
8 persons united voluntarily to meet their common
9 needs and aspirations through a jointly owned and
10 democratically-controlled enterprise.

11 “(b) ESTABLISHMENT; DISSOLUTION.—There is es-
12 tablished an independent commission to be known as the
13 ‘Puerto Rico Public Credit Comprehensive Audit Commis-
14 sion’. The Commission—

15 “(1) shall be created as an independent entity
16 within the territorial government;

17 “(2) shall not be a department, agency, estab-
18 lishment, or instrumentality of the Federal Govern-
19 ment; and

20 “(3) shall dissolve after the Commission com-
21 pletes or fulfills each duty of the Commission under
22 subsection (c) and issues the final report of the
23 Commission under subsection (g).

24 “(c) DUTIES.—The Commission shall—

1 “(1) order a comprehensive audit of all public
2 debt of Puerto Rico and its instrumentalities, in con-
3 formity with the Government Accountability Office’s
4 Generally Accepted Government Auditing Standards
5 (also known as the ‘Yellow Book’); and

6 “(2) audit all public debt issued during the pe-
7 riod beginning on the first day of fiscal year 1972
8 and ending on the date of enactment of this section,
9 including—

10 “(A) a current and complete accounting as
11 to the amount of outstanding indebtedness as of
12 the date of the enactment of this section;

13 “(B) an analysis of the sustainability of
14 outstanding debts;

15 “(C) an assessment of how rules, policies,
16 and controls over the use of debt can be im-
17 proved upon to ensure that in the future Puerto
18 Rico’s debt load is sustainable and issued in a
19 manner that effectively protects the legal and
20 financial interests of the Government of Puerto
21 Rico; and

22 “(D) an investigation into any irregular-
23 ities, apparent or alleged, wherein probable
24 cause of malfeasance or misfeasance is found.

1 “(d) ORGANIZATIONAL RESPONSIBILITIES.—The
2 Commission shall—

3 “(1) adopt internal bylaws as appropriate for
4 the proper operations and fulfillment of the objec-
5 tives of the Commission;

6 “(2) designate and hire a minimum number of
7 regular personnel required to carry out the duties
8 and fulfill the objectives of the Commission;

9 “(3) start its examination of the debt from the
10 most recently issued bonds and review issuances in
11 reverse chronological order; and

12 “(4) hold a regular meeting not less than once
13 each month.

14 “(e) AUTHORITY.—

15 “(1) IN GENERAL.—To carry out its duties
16 under this section (e), the Commission—

17 “(A) may audit, and ensure the trans-
18 parency of, the indebtedness process of Puerto
19 Rico and each instrumentality of the Common-
20 wealth of Puerto Rico; and

21 “(B) shall have primary jurisdiction to in-
22 tervene, have knowledge of, and conduct, on the
23 initiative of the Commission, any investigation
24 on any matter or dispute relating to any indebt-
25 edness process described in subparagraph (A).

1 “(2) SUBPOENA POWER.—

2 “(A) IN GENERAL.—The Commission may
3 issue subpoenas requiring the attendance and
4 testimony of witnesses and the production of
5 books, records, correspondence, memoranda, pa-
6 pers, documents, electronic files, metadata,
7 tapes, and materials of any nature relating to
8 any matter under investigation by the Commis-
9 sion. Jurisdiction to compel the attendance of
10 witnesses and the production of such materials
11 shall be governed by 32 L.P.R.A. App. III. R.
12 4. 7., as amended.

13 “(B) FAILURE TO OBEY A SUBPOENA.—If
14 a person refuses to obey a subpoena issued
15 under subparagraph (A), the Commission may
16 apply to the court of first instance of Puerto
17 Rico. Any failure to obey the order of the court
18 may be punished by the court in accordance
19 with civil contempt laws of Puerto Rico.

20 “(C) SERVICE OF SUBPOENAS.—The sub-
21 poena of the Commission shall be served in the
22 manner provided by the rules of procedure for
23 the courts of Puerto Rico, the Rules of Civil
24 Procedure of Puerto Rico.

25 “(f) APPOINTMENT OF MEMBERS.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this section, the
3 Governor of Puerto Rico shall appoint the following
4 individuals to serve on the Commission:

5 “(A) One professor of economics from any
6 public higher education institution located in
7 Puerto Rico.

8 “(B) One professor of finance from any
9 public higher education institution located in
10 Puerto Rico.

11 “(C) One professor of accounting from any
12 public higher education institution located in
13 Puerto Rico.

14 “(D) One professor of statistics from any
15 public higher education institution located in
16 Puerto Rico.

17 “(E) One professor of law from any public
18 higher education institution located in Puerto
19 Rico.

20 “(F) One professor of sociology from any
21 public higher education institution located in
22 Puerto Rico.

23 “(G) One representative of the labor union
24 sector in Puerto Rico.

1 “(H) One representative of the business
2 community in Puerto Rico, with preference
3 given to a representative from a small- or me-
4 dium-sized business located in Puerto Rico.

5 “(I) One representative of the cooperative
6 sector in Puerto Rico.

7 “(J) One individual who is a certified
8 translator or interpreter of English and Span-
9 ish.

10 “(2) FAILURE TO APPOINT MEMBERS.—If the
11 Governor of Puerto Rico fails to appoint any mem-
12 ber of the Commission in accordance with paragraph
13 (1), not later than 360 days after the date of the en-
14 actment of the Amendments to PROMESA Act of
15 2020, the President of the Senate of Puerto Rico
16 and the Speaker of the House of Representatives of
17 Puerto Rico shall jointly appoint any member who
18 has not been appointed.

19 “(g) CHAIRPERSON.—

20 “(1) IN GENERAL.—After the members of the
21 Commission are appointed under subsection (f), the
22 members shall elect one member to serve as the
23 Chairperson of the Commission.

24 “(2) DUTIES.—The Chairperson shall—

1 “(A) call and preside over meetings of the
2 Commission;

3 “(B) serve as the legal representative of
4 the Commission; and

5 “(C) have the determinative vote in the
6 case of a tie vote of the Commission.

7 “(h) TERM.—Members of the Commission shall be
8 appointed for the life of the Commission.

9 “(i) VACANCIES.—Any vacancy in the Commission
10 shall not affect the powers of the Commission and shall
11 be filled in the same manner as the original appointment
12 or election.

13 “(j) REPORTS.—Not later than 180 days after the
14 date of enactment of this section, and not later than every
15 180 days thereafter, the Commission shall file with the
16 President, the Committee on Natural Resources of the
17 House of Representatives, the Committee on Energy and
18 Natural Resources of the Senate, the Governor of Puerto
19 Rico, and the legislature of Puerto Rico, and make pub-
20 licly available, a report describing the progress of the
21 Commission in carrying out the duties of the Commission
22 under subsection (c).

23 “(k) FUNDING.—There is authorized to be appro-
24 priated such sums as may be necessary to carry out this
25 title.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 for the Puerto Rico Oversight, Management, and Eco-
3 nomic Stability Act (48 U.S.C. 2101 et seq.) (as amended
4 by this Act) is further amended by adding at the end the
5 following:

“TITLE IX—PUBLIC CREDIT COMPREHENSIVE AUDIT

“Sec. 901. Puerto Rico Public Credit Comprehensive Audit Commission.”.

6 **SEC. 15. SEVERABILITY CLAUSE.**

7 If any provision of this Act or an amendment made
8 by this Act, or the application of a provision or amend-
9 ment to any person or circumstance, is held to be invalid
10 for any reason in any court of competent jurisdiction, the
11 remainder of this Act and amendments made by this Act,
12 and the application of the provisions and amendment to
13 any other person or circumstance, shall not be affected.

○