

116TH CONGRESS
1ST SESSION

H. R. 2526

To provide the option of discharging certain unsecured financial obligations of self-governing territories of the United States.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2019

Ms. VELÁZQUEZ (for herself, Ms. CLARKE of New York, Mr. ESPAILLAT, Mr. GALLEG0, Ms. JAYAPAL, Mr. KHANNA, Ms. SCHAKOWSKY, Mr. SIREs, Mr. SOTO, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, and the Budget, 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 provide the option of discharging certain unsecured financial obligations of self-governing territories of the United States.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “United States Territorial Relief Act of 2019”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.
 Sec. 3. Findings.

TITLE I—TERRITORIAL RELIEF

- Sec. 101. Relief through exercise of the power to regulate commerce, the bankruptcy power, and the territorial power.
 Sec. 102. Effect of discharge.
 Sec. 103. Actions relating to the status of financial obligations.
 Sec. 104. Notice of discharge.
 Sec. 105. Effective date.

TITLE II—PUERTO RICO DEBT RESTRUCTURING COMPENSATION FUND

- Sec. 201. Purpose.
 Sec. 202. Definitions.
 Sec. 203. Administration.
 Sec. 204. Determination of eligibility for compensation.
 Sec. 205. Puerto Rico Debt Restructuring Compensation Fund.
 Sec. 206. Regulations.
 Sec. 207. Sunset.

TITLE III—PUERTO RICO PUBLIC CREDIT COMPREHENSIVE AUDIT COMMISSION

- Sec. 301. Definitions.
 Sec. 302. Establishment; dissolution.
 Sec. 303. Reports.
 Sec. 304. Duties.
 Sec. 305. Authority of the Commission.
 Sec. 306. Membership.
 Sec. 307. Powers and responsibilities.
 Sec. 308. Provision of requested information.
 Sec. 309. Access to information.
 Sec. 310. Funding.

TITLE IV—SEVERABILITY

- Sec. 401. Severability.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

- 3 (1) **ATTACHMENT.**—The term “attachment”
 4 means the time at which a security interest becomes
 5 enforceable against a debtor with respect to collat-
 6 eral.

1 (2) COLLATERAL.—The term “collateral”
2 means property subject to a security interest.

3 (3) FINANCIAL GUARANTY INSURANCE.—The
4 term “financial guaranty insurance” means a surety
5 bond, an insurance policy, an indemnity contract, or
6 any similar guaranty, under which loss is payable on
7 proof of a financial loss to an insured claimant, an
8 obligee, or an indemnitee as a result of the failure
9 of any obligor on or issuer of any debt instrument
10 or other monetary obligation to pay, when due, prin-
11 cipal, interest, or any other amount due or payable
12 with respect to that instrument or obligation, if that
13 failure to pay is the result of a financial default, a
14 financial insolvency, or a discharge in bankruptcy.

15 (4) FINANCIAL GUARANTY INSURER.—The term
16 “financial guaranty insurer” means a party that is
17 obligated as a surety, insurer, or indemnitor under
18 a financial guaranty insurance contract.

19 (5) FINANCIAL OBLIGATION.—The term “finan-
20 cial obligation”—

21 (A) means an obligation validly owed as of
22 the effective date of this Act by a qualifying
23 territory or an instrumentality of a qualifying
24 territory thereof that arises from any—

1 (i) security issued by a qualifying ter-
2 ritory or instrumentality of a qualifying
3 territory;

4 (ii) loan taken out by a qualifying ter-
5 ritory or instrumentality of a qualifying
6 territory;

7 (iii) repurchase or swap or other de-
8 rivative contract entered into by a quali-
9 fying territory or instrumentality of a
10 qualifying territory; or

11 (iv) guaranty of any security or loan
12 or repurchase or swap or other derivative
13 contract by a qualifying territory or instru-
14 mentality of a qualifying territory; and

15 (B) does not include any—

16 (i) claim made by a vendor or service
17 provider that is owed payment by a quali-
18 fying territory or an instrumentality of a
19 qualifying territory for a good or service
20 rendered in the ordinary course of busi-
21 ness;

22 (ii) claim made by or on behalf of a
23 current or former employee of a qualifying
24 territory or an instrumentality of a quali-
25 fying territory that is owed payment for a

1 pension or other retirement benefit, or for
2 a health care benefit of any kind; or

3 (iii) claim against a qualifying terri-
4 tory or an instrumentality of a qualifying
5 territory for a pending tax refund or tax
6 credit.

7 (6) INSTRUMENTALITY.—The term “instrumen-
8 tality” includes—

9 (A) a political subdivision of a qualifying
10 territory;

11 (B) a public agency of a qualifying terri-
12 tory;

13 (C) a public corporation of a qualifying
14 territory; and

15 (D) a banking corporation of a qualifying
16 territory.

17 (7) PER CAPITA DEBT OF A TERRITORY.—The
18 term “per capita debt of a territory” means the
19 quotient obtained by dividing—

20 (A) the aggregate amount of the financial
21 obligations of a territory and the instrumentality-
22 ties of the territory, which shall not include—

23 (i) the Federal debt; or

24 (ii) the unfunded liabilities of a pen-
25 sion system of the government of the quali-

1 fying territory or any instrumentality of a
2 qualifying territory for the payment of
3 pension and other retirement benefits, or
4 health care benefits of any kind, to current
5 or former employees of the qualifying terri-
6 tory or the instrumentality of the quali-
7 fying territory that are owed payment for
8 a pension or other retirement benefit, or
9 for a health care benefit of any kind; by

10 (B) the population of the territory (based
11 on the most recent data available from the Bu-
12 reau of the Census).

13 (8) PROCEEDS.—The term “proceeds” means—

14 (A) whatever is acquired upon the sale,
15 lease, license, exchange, or other disposition of
16 collateral; or

17 (B) whatever is collected on, or distributed
18 on account of, collateral.

19 (9) QUALIFYING TERRITORY.—The term “quali-
20 fying territory” means a territory that meets not
21 less than 2 of the following qualifications:

22 (A) The population of the territory, based
23 on the most recent data available from the Bu-
24 reau of the Census, has decreased by more than

1 5 percent during the 10-year period ending on
2 the date of a discharge under section 101.

3 (B) The territory has received major dis-
4 aster assistance under the Robert T. Stafford
5 Disaster Relief and Emergency Assistance Act
6 (42 U.S.C. 5121 et seq.) during the 5-year pe-
7 riod ending on the date of a discharge under
8 section 101.

9 (C) The per capita debt of the territory is
10 greater than \$15,000 (as adjusted annually to
11 reflect the percentage change in the Consumer
12 Price Index for All Urban Consumers published
13 by the Bureau of Labor Statistics of the De-
14 partment of Labor).

15 (10) SECURITY AGREEMENT.—The term “secu-
16 rity agreement” means an agreement or resolution
17 that creates or provides for a security interest.

18 (11) SECURED FINANCIAL OBLIGATION.—The
19 term “secured financial obligation” means any fi-
20 nancial obligation to the extent of the value of any
21 collateral pledged by a qualifying territory or an in-
22 strumentality of a qualifying territory to secure the
23 repayment of the financial obligation pursuant to a
24 valid and perfected security interest under applicable
25 territorial law, not including—

1 (A) any property acquired or anticipated to
2 be acquired by a qualifying territory or an in-
3 strumentality of a qualifying territory after the
4 date of a discharge under section 101, even if
5 that property, when acquired, would have be-
6 come collateral subject to a security interest; or

7 (B) any proceeds, products, offspring, or
8 profits of the collateral not in existence on the
9 date of a discharge under section 101, unless
10 the property constitutes the proceeds of collat-
11 eral to which the security interest has attached
12 as of the date of the discharge.

13 (12) SECURITY INTEREST.—The term “security
14 interest”—

15 (A) means an interest in property, includ-
16 ing a lien or other pledge of property, that se-
17 cures a payment or the performance of an obli-
18 gation; and

19 (B) does not include a pledge of the full
20 faith and credit of a qualifying territory or its
21 instrumentality, even in the case that such
22 pledge includes a promise of all available re-
23 sources of the qualifying territory or its instru-
24 mentality.

25 (13) TERRITORY.—The term “territory”—

1 (A) means any self-governing Federal ter-
2 ritory; and

3 (B) includes—

4 (i) the Commonwealth of Puerto Rico;

5 (ii) Guam;

6 (iii) the Commonwealth of the North-
7 ern Mariana Islands;

8 (iv) the United States Virgin Islands;

9 and

10 (v) American Samoa.

11 (14) UNSECURED FINANCIAL OBLIGATION.—

12 The term “unsecured financial obligation” means
13 any financial obligation to the extent the financial
14 obligation is not a secured financial obligation.

15 **SEC. 3. FINDINGS.**

16 Congress finds that—

17 (1) millions of citizens of the United States re-
18 side in territories of the United States;

19 (2) the Federal Government owes a special duty
20 of care and stewardship to the citizens of territories
21 of the United States because—

22 (A) historically, Federal administration of
23 these territories was often wanting and many
24 residents of the territories faced discriminatory
25 treatment by the Federal Government;

1 (B) the economies of these territories face
2 special constraints, including diminishment of
3 property tax bases because of large, untaxed,
4 Federal land holdings; and

5 (C) these territories lack the benefits of
6 many Federal programs, such as Supplemental
7 Security Income, the Earned Income Tax Cred-
8 it, and full access to Medicaid;

9 (3) prolonged economic downturns, declines in
10 population, and natural disasters have resulted in
11 some territories of the United States and the instru-
12 mentalities of those territories having unsupportable
13 debt burdens on financial obligations, which cannot
14 realistically be repaid without imposing undue hard-
15 ship on the citizens and residents of those terri-
16 tories;

17 (4) disaster recovery funds that are provided by
18 the Federal Government should be used for disaster
19 recovery and not for direct or indirect debt pay-
20 ments;

21 (5) unsecured creditors of financially distressed
22 territories and instrumentalities of those territories
23 have little prospect of recovery upon default because
24 of—

1 (A) the severe indebtedness of those terri-
2 tories; and

3 (B) the lack of effective remedies for unse-
4 cured creditors against those territories and the
5 instrumentalities of those territories; and

6 (6) the people of the Commonwealth of Puerto
7 Rico deserve to know about the social, political, and
8 legal factors associated with the amount of the pub-
9 lic debt of the Commonwealth of Puerto Rico ac-
10 crued over the past 5 decades, and the Federal Gov-
11 ernment has a responsibility to support efforts to ob-
12 tain those answers, including public or private ef-
13 forts to conduct a comprehensive audit of the public
14 debt of the Commonwealth of Puerto Rico.

15 **TITLE I—TERRITORIAL RELIEF**

16 **SEC. 101. RELIEF THROUGH EXERCISE OF THE POWER TO** 17 **REGULATE COMMERCE, THE BANKRUPTCY** 18 **POWER, AND THE TERRITORIAL POWER.**

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

1 financial obligations of the qualifying territory and the in-
2 strumentalities of the qualifying territory—

3 (1) is adopted by an affirmative vote of more
4 than $\frac{1}{2}$ of the members of each house of the legisla-
5 ture of that qualifying territory and is signed by the
6 chief executive of the qualifying territory; or

7 (2) is adopted by an affirmative vote of not less
8 than $\frac{2}{3}$ of the members of each house of the legisla-
9 ture of that qualifying territory.

10 (b) LIMITATION.—A qualifying territory may dis-
11 charge unsecured financial obligations of the qualifying
12 territory and the instrumentalities of the qualifying terri-
13 tory under this title not more frequently than once during
14 any 7-year period, and such discharge shall prohibit the
15 qualifying territory from discharging, adjusting, or im-
16 pairing, in any manner or degree including in a proceeding
17 under title III of PROMESA (48 U.S.C. 2161 et seq.),
18 a debt described in section 2(5)(B)(ii).

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

1 oversight board, or administrative agency in any pro-
2 ceeding.

3 (d) SECURED FINANCIAL OBLIGATIONS UNAF-
4 FECTED.—

5 (1) IN GENERAL.—Except as provided in para-
6 graphs (1) and (3) of section 102, nothing in sub-
7 section (a) shall affect the validity and enforceability
8 of any financial obligation of a qualifying territory
9 or an instrumentality of a qualifying territory to the
10 extent that the obligation is a secured financial obli-
11 gation.

12 (2) VOIDABILITY.—Notwithstanding paragraph
13 (1), a secured financial obligation of a qualifying
14 territory or an instrumentality of a qualifying terri-
15 tory may be voidable or otherwise impaired under
16 any other applicable law.

17 (e) RULE OF CONSTRUCTION.—Nothing in this Act
18 shall be construed to operate as a stay of a pending case
19 brought under title III of PROMESA (48 U.S.C. 2161
20 et seq.), or of any act of an oversight board appointed
21 under that Act, or to reinstate any financial obligation dis-
22 charged under this Act through any procedure under
23 PROMESA (48 U.S.C. 2101 et seq.).

24 **SEC. 102. EFFECT OF DISCHARGE.**

25 A discharge under section 101 shall—

1 (1) except in regard to actions brought under
2 section 103, operate as a permanent stay, applicable
3 to all entities and enforceable by the qualifying terri-
4 tory or an instrumentality of the qualifying territory
5 in any court with jurisdiction over an action de-
6 scribed in section 103(a), against the commencement
7 or continuation of an action, the employment of
8 process, or an act to collect, recover, or offset any
9 outstanding financial obligation to the extent that
10 the financial obligation is not a secured financial ob-
11 ligation as of the date of the discharge, regardless
12 of whether discharge of that unsecured financial ob-
13 ligation is waived by the qualifying territory;

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

20 (3) if prior to the date of the discharge under
21 section 101, the qualifying territory or an instru-
22 mentality of the qualifying territory entered into a
23 security agreement securing a financial obligation,
24 prevent the security interest created by the security
25 agreement from attaching to any property acquired

1 by the qualifying territory or an instrumentality
2 thereof after the date of the discharge under section
3 101, except to the extent that such property con-
4 stitutes the proceeds of collateral to which the secu-
5 rity interest had attached as of the date of the dis-
6 charge.

7 **SEC. 103. ACTIONS RELATING TO THE STATUS OF FINAN-**
8 **CIAL OBLIGATIONS.**

9 (a) IN GENERAL.—Any financial obligation is conclu-
10 sively deemed to be an unsecured financial obligation ex-
11 cept to the extent that the holder of that obligation proves
12 that the financial obligation is a secured financial obliga-
13 tion in an action for a declaratory judgment that is filed—

14 (1) in—

15 (A) an appropriate territorial court of the
16 qualifying territory; or

17 (B) a district court of the United States in
18 the qualifying territory; and

19 (2) not later than 180 days after the date of a
20 discharge under section 101.

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

24 (1) the obligation is a secured financial obliga-
25 tion; and

1 (2) any revenues generated after a discharge
2 under section 101 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 Amendment of the Constitution of the United
12 States; and

13 (2) any action for declaratory judgment.

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

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

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

22 (e) COSTS.—All parties shall bear their own costs in
23 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 101; or

4 (2) a final ruling in an action described in sub-
5 section (a) that a financial obligation of a party is
6 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 QUALI-
15 FYING TERRITORIES AND INSTRUMENTALITIES OF QUALI-
16 FYING TERRITORIES.—

17 (1) IN GENERAL.—In addition to the relief pro-
18 vided elsewhere in this Act, a qualifying territory or
19 an instrumentality of a qualifying territory, in a civil
20 action described in paragraph (2), may avoid any se-
21 curity 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 101

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 chapter 7 of title 11, United States Code; 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 in
13 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 101; 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 in 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 101, 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 101.

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 101, 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 that
19 arise after the date of a discharge under section
20 101.

21 **SEC. 104. 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 101,
2 the qualifying territory shall promptly—

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

5 (B) provide actual notice of the discharge
6 and of the right to bring an action under sec-
7 tion 103 to—

8 (i) any known holder of a financial ob-
9 ligation as of the date of the discharge;

10 (ii) any known indenture trustee for a
11 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 the
21 governmental languages of the qualifying terri-
22 tory, of the discharge and of the right to bring
23 an action under section 103 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 less than 2 daily newspapers
4 that each have a national circulation and a
5 general audience; and

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

12 (2) NOTICE IN THE FEDERAL REGISTER.—On
13 the date on which the Secretary of the Treasury re-
14 ceives the notice described in paragraph (1)(A), the
15 Secretary of the Treasury shall promptly cause to be
16 published in the Federal Register a notice of that
17 discharge and of the right to bring an action under
18 section 103.

19 (b) ADEQUATE NOTICE.—

20 (1) HOLDERS OF FINANCIAL OBLIGATIONS.—

21 (A) IN GENERAL.—A holder of a financial
22 obligation shall be presumed to have received
23 adequate notice of a discharge under section
24 101 if, during the 180-day period beginning on
25 the date of a discharge under section 101, a

1 qualifying territory provides actual notice of the
2 discharge and of the right to bring an action
3 under section 103 to—

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

6 (ii) an indenture trustee for the secu-
7 rity of the holder as of the date of the dis-
8 charge; or

9 (iii) an agent bank for the loan, swap,
10 repurchase agreement, or other derivative
11 of the holder of a financial obligation as of
12 the date of the discharge.

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

18 (2) NOTICE TO A FINANCIAL GUARANTY IN-
19 SURER.—A financial guaranty insurer shall be con-
20 clusively deemed to have received adequate notice of
21 a discharge under section 101 if, during the 180-day
22 period beginning on the date of a discharge under
23 section 101, the financial guaranty insurer receives
24 actual notice of the discharge and of the right to
25 bring an action under section 103.

1 **SEC. 105. EFFECTIVE DATE.**

2 This title shall take effect on the date that is 60 days
3 after the date of enactment of this Act.

4 **TITLE II—PUERTO RICO DEBT**
5 **RESTRUCTURING COMPENSA-**
6 **TION FUND**

7 **SEC. 201. PURPOSE.**

8 Pursuant to clause 1, section 8 of article I and clause
9 2, section 3 of article IV of the Constitution of the United
10 States, the purpose of this title is to provide compensation
11 to certain entities and natural persons that suffer eco-
12 nomic losses due to a discharge under section 101 of fi-
13 nancial obligations owed to those entities and natural per-
14 sons by the Commonwealth of Puerto Rico or an instru-
15 mentality of the Commonwealth of Puerto Rico.

16 **SEC. 202. DEFINITIONS.**

17 In this title:

18 (1) **COLLATERAL SOURCE COMPENSATION.**—

19 The term “collateral source compensation”—

20 (A) means, on the date of a determination
21 under section 204(b)(2)(A), compensation that
22 a claimant has received or is entitled to receive,
23 from a source other than the Fund, as a result
24 of the discharge of the debt of the Common-
25 wealth of Puerto Rico and the instrumentalities

1 of the Commonwealth of Puerto Rico under sec-
2 tion 101; and

3 (B) includes financial guaranty insurance.

4 (2) FUND.—The term “Fund” means the Puer-
5 to Rico Debt Restructuring Compensation Fund es-
6 tablished under section 205(a).

7 (3) INELIGIBLE INVESTMENT COMPANY.—The
8 term “ineligible investment company” means an in-
9 vestment company, as defined in section 3 of the In-
10 vestment Company Act of 1940 (15 U.S.C. 80a–3),
11 that was not registered under section 8 of that Act
12 (15 U.S.C. 80a–8) on the date on which the invest-
13 ment company made an investment in a financial ob-
14 ligation of the Commonwealth of Puerto Rico or an
15 instrumentality of the Commonwealth of Puerto
16 Rico.

17 (4) PUERTO RICO PUBLIC PENSION PLAN.—The
18 term “Puerto Rico public pension plan” means a
19 pension system of the government of the Common-
20 wealth of Puerto Rico;.

21 (5) SPECIAL MASTER.—The term “Special Mas-
22 ter” means the Special Master appointed under sec-
23 tion 203(a).

24 **SEC. 203. ADMINISTRATION.**

25 (a) SPECIAL MASTER.—

1 (1) APPOINTMENT.—

2 (A) IN GENERAL.—Not later than 60 days
3 after the date of a discharge of the debt of the
4 Commonwealth of Puerto Rico and the instru-
5 mentalities of the Commonwealth of Puerto
6 Rico under section 101, the Chief Justice of the
7 Supreme Court of the Commonwealth of Puerto
8 Rico shall appoint a Special Master to admin-
9 ister the compensation program established
10 under this title.

11 (B) DISQUALIFICATION.—A Special Mas-
12 ter may not have a relationship to a party, at-
13 torney, action, or court that would require the
14 disqualification of a judge under section 455 of
15 title 28, United States Code, unless, after the
16 date on which the Special Master discloses any
17 potential ground for disqualification, the party,
18 attorney, action, or court with which the Special
19 Master has a relationship, with the approval of
20 the Chief Justice of the Supreme Court of the
21 Commonwealth of Puerto Rico, consents to the
22 appointment of the Special Master.

23 (2) STATUS.—The Special Master shall be con-
24 sidered to be an official of the Commonwealth of
25 Puerto Rico.

1 (3) VACANCY.—

2 (A) IN GENERAL.—In the event of the
3 death, resignation, incapacity, or other vacancy
4 in the position of the Special Master, the posi-
5 tion shall be filled in the manner described in
6 paragraph (1).

7 (B) FEDERAL VACANCIES REFORM ACT.—
8 Sections 3345 through 3349d of title 5, United
9 States Code (commonly known as the “Federal
10 Vacancies Reform Act of 1998”), shall not
11 apply to vacancies in the position of Special
12 Master.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated such sums as may be
15 necessary to pay the administrative and support costs for
16 the Special Master in carrying out this title.

17 **SEC. 204. DETERMINATION OF ELIGIBILITY FOR COM-**
18 **PENSATION.**

19 (a) FILING OF CLAIM.—

20 (1) IN GENERAL.—A claimant may file a claim
21 for compensation under this title with the Special
22 Master. The claim shall—

23 (A) be on the form developed under para-
24 graph (2);

1 (B) state the factual basis, as certified by
2 the claimant, for eligibility for compensation
3 and the amount of compensation sought; and

4 (C) provide evidence that corroborates the
5 eligibility of the claimant for compensation and
6 the amount of compensation sought.

7 (2) CLAIM FORM.—

8 (A) IN GENERAL.—The Special Master
9 shall—

10 (i) develop a claim form that claim-
11 ants shall use when submitting claims
12 under paragraph (1); and

13 (ii) ensure that the form developed
14 under clause (i) can be filed electronically.

15 (B) CONTENTS.—The form developed
16 under subparagraph (A) shall request informa-
17 tion relating to the claim of the claimant, in-
18 cluding information relating to—

19 (i) economic loss that the claimant
20 suffered as a result of the discharge under
21 section 101 of the debt of the Common-
22 wealth of Puerto Rico and the instrumen-
23 talities of the Commonwealth of Puerto
24 Rico;

1 (ii) collateral source compensation the
2 claimant has received, or is entitled to re-
3 ceive, as a result of the discharge described
4 in clause (i); and

5 (iii) availability of financial guaranty
6 insurance coverage to indemnify the claim-
7 ant.

8 (C) PENALTY.—A claim submitted on the
9 form developed under subparagraph (A) shall—

10 (i) be submitted under penalty of per-
11 jury; and

12 (ii) include an attestation by the
13 claimant that the claimant has not willfully
14 attempted to evade or defeat the eligibility
15 restrictions described in subsection (c).

16 (b) REVIEW AND DETERMINATION.—

17 (1) REVIEW.—The Special Master shall review
18 a claim submitted under subsection (a) and deter-
19 mine—

20 (A) whether the claimant is an eligible per-
21 son under subsection (c);

22 (B) with respect to a claimant determined
23 to be an eligible person under subsections
24 (c)(2)(A) and (c)(3)—

1 (i) the extent of the economic loss to
2 the claimant; and

3 (ii) the amount of compensation to
4 which the claimant is entitled based on the
5 economic losses to the claimant, the facts
6 of the claim, and the individual cir-
7 cumstances of the claimant, including—

8 (I) the strength of the ties to the
9 Commonwealth of Puerto Rico, as de-
10 fined in regulations promulgated
11 under section 206, of the claimant;

12 (II) the financial need, as defined
13 in regulations promulgated under sec-
14 tion 206, of the claimant;

15 (III) the price at which the
16 claimant obtained that claim against
17 the Commonwealth of Puerto Rico or
18 the instrumentality of the Common-
19 wealth of Puerto Rico; and

20 (IV) the date on which the claim-
21 ant obtained the claim against the
22 Commonwealth of Puerto Rico or the
23 instrumentality of the Commonwealth
24 of Puerto Rico; and

1 (C) with respect to a claimant determined
2 to be an eligible person under subsection
3 (c)(2)(B) and (c)(3)—

4 (i) the extent of the economic loss to
5 the claimant; and

6 (ii) the amount of compensation to
7 which the claimant is entitled based on the
8 economic loss to the claimant, the facts of
9 the claim, and the individual circumstances
10 of the claimant, including—

11 (I) the financial need, as defined
12 in regulations promulgated under sec-
13 tion 206, of the claimant;

14 (II) the price at which the claim-
15 ant obtained that claim against the
16 Commonwealth of Puerto Rico or the
17 instrumentality of the Commonwealth
18 of Puerto Rico; and

19 (III) the date on which the claim-
20 ant obtained the claim against the
21 Commonwealth of Puerto Rico or the
22 instrumentality of the Commonwealth
23 of Puerto Rico.

24 (2) DETERMINATION.—

1 (A) IN GENERAL.—Not later than 120
2 days after the date on which a claim is deter-
3 mined to be substantially complete by the Spe-
4 cial Master, the Special Master shall complete
5 a review, make a determination, and provide
6 written notice to the claimant, with respect to
7 the matters that were the subject of the claim
8 under review. Such a determination shall be
9 final and not subject to judicial review.

10 (B) RIGHTS OF CLAIMANTS.—

11 (i) HEARINGS.—Before the date on
12 which a determination described in sub-
13 paragraph (A) is made, a claimant in a re-
14 view under paragraph (1) shall have the
15 right to an in-person hearing conducted by
16 the Special Master.

17 (ii) WAIVER.—A claimant in a review
18 under paragraph (1) may waive the right
19 to a hearing described in clause (i).

20 (3) COLLATERAL SOURCE COMPENSATION.—

21 The Special Master shall reduce the amount of com-
22 pensation determined under paragraph (2) by the
23 amount of collateral source compensation.

24 (c) ELIGIBILITY.—

1 (1) IN GENERAL.—A claimant shall be deter-
2 mined to be an eligible person for purposes of this
3 subsection if the Special Master determines that
4 such claimant—

5 (A) is a person described in paragraph (2);

6 and

7 (B) meets the requirements of paragraph

8 (3).

9 (2) ELIGIBLE PERSONS.—

10 (A) ELIGIBLE PERSONS IN THE COMMON-

11 WEALTH OF PUERTO RICO.—

12 (i) IN GENERAL.—A claimant is a
13 person described in this subparagraph if
14 the claimant is—

15 (I) a natural person who—

16 (aa) was domiciled in the
17 Commonwealth of Puerto Rico
18 and was a citizen or lawful per-
19 manent resident of the United
20 States on September 20, 2017,
21 regardless of whether that nat-
22 ural person was physically
23 present in the Commonwealth of
24 Puerto Rico at that time;

1 (bb) is a beneficial owner of
2 a security issued by the Com-
3 monwealth of Puerto Rico or an
4 instrumentality of the Common-
5 wealth of Puerto Rico; and

6 (cc) became a beneficial
7 owner of the security described in
8 item (bb) not later than Sep-
9 tember 20, 2017;

10 (II) a bank or credit union that
11 did business solely in the Common-
12 wealth of Puerto Rico on September
13 20, 2017;

14 (III) a worker association or
15 workplace association in the Common-
16 wealth of Puerto Rico;

17 (IV) a Puerto Rico public pen-
18 sion plan;

19 (V) a business, of which the prin-
20 cipal place of business was in the
21 Commonwealth of Puerto Rico on
22 September 20, 2017; or

23 (VI) subject to clause (ii), any
24 other person that the Special Master
25 determines is an eligible person.

1 (ii) EXCLUSIONS.—A claimant is not
2 a person described in this subparagraph if
3 the claimant is—

4 (I) an ineligible investment com-
5 pany;

6 (II) a financial guaranty insurer;

7 (III) as defined in section 101 of
8 title 11, United States Code—

9 (aa) a party to a master net-
10 ting agreement;

11 (bb) a party to a repurchase
12 agreement; or

13 (cc) a party to a swap agree-
14 ment;

15 (IV) any other financial institu-
16 tion with total consolidated assets
17 greater than \$2,000,000,000;

18 (V) a person that owns a share
19 in an unregistered investment fund
20 that owns a security issued by the
21 Commonwealth of Puerto Rico or an
22 instrumentality of the Commonwealth
23 of Puerto Rico;

24 (VI) a person that acquired a
25 claim against the Commonwealth of

1 Puerto Rico or an instrumentality of
 2 the Commonwealth of Puerto Rico
 3 during the period beginning on the
 4 date that is 180 days before the date
 5 of a discharge under section 101, un-
 6 less that claim was acquired through
 7 devise, descent, or a divorce settle-
 8 ment;

9 (VII) the Special Master; or

10 (VIII) any other person that the
 11 Special Master determines is not an
 12 eligible person.

13 (B) ELIGIBLE PERSONS NOT IN PUERTO
 14 RICO.—

15 (i) IN GENERAL.—A claimant is a
 16 person described in this subparagraph if
 17 the claimant was not domiciled in the
 18 Commonwealth of Puerto Rico on Sep-
 19 tember 20, 2017, and the claimant is—

20 (I) a worker association or work-
 21 place association;

22 (II) a pension plan;

23 (III) a natural person who—

24 (aa) is a beneficial owner of
 25 a security issued by the Com-

1 monwealth of Puerto Rico or an
2 instrumentality of the Common-
3 wealth of Puerto Rico; and

4 (bb) became a beneficial
5 owner of that security not later
6 than September 20, 2017;

7 (IV) subject to clause (iii), an
8 open-end mutual fund; or

9 (V) subject to clause (ii), any
10 other person that the Special Master
11 determines is an eligible person.

12 (ii) EXCLUSIONS.—A claimant is not
13 a person described in this subparagraph if
14 the claimant was not domiciled in the
15 Commonwealth of Puerto Rico on Sep-
16 tember 20, 2017, and the claimant is—

17 (I) an ineligible investment com-
18 pany;

19 (II) a closed-end company, as de-
20 fined in section 5 of the Investment
21 Company Act of 1940 (15 U.S.C.
22 80a–5);

23 (III) a financial guaranty in-
24 surer;

1 (IV) as defined in section 101 of
2 title 11, United States Code—

3 (aa) a party to a master net-
4 ting agreement;

5 (bb) a party to a repurchase
6 agreement; or

7 (cc) a party to a swap agree-
8 ment;

9 (V) any other financial institu-
10 tion with total consolidated assets
11 greater than \$2,000,000,000;

12 (VI) a person that owns a share
13 in an unregistered investment fund
14 that owns a security issued by the
15 Commonwealth of Puerto Rico or an
16 instrumentality of the Commonwealth
17 of Puerto Rico;

18 (VII) a person that acquired a
19 claim against the Commonwealth of
20 Puerto Rico or an instrumentality of
21 the Commonwealth of Puerto Rico
22 during the period beginning on the
23 date that is 180 days before the date
24 of a discharge under section 101, un-
25 less that claim was acquired through

1 devise, descent, or a divorce settle-
2 ment;

3 (VIII) the Special Master; or

4 (IX) any other person that the
5 Special Master determines is not an
6 eligible person.

7 (iii) ELIGIBILITY OF OPEN-END MU-
8 TUAL FUNDS.—A claimant that is an open-
9 end mutual fund is not an eligible person
10 described in this subparagraph unless the
11 manager of that open-end mutual fund
12 pledges to waive the fee of that manager
13 for any compensation the open-end mutual
14 fund receives under this title.

15 (3) REQUIREMENTS FOR BENEFICIAL OWNERS
16 OF SECURITIES.—A person that is beneficial owner
17 of a security issued by the Commonwealth of Puerto
18 Rico or an instrumentality of the Commonwealth of
19 Puerto Rico may file a claim under subsection (a) if
20 the person, as of the date on which the claim is
21 filed—

22 (A) has continuously held that security
23 during the period beginning on September 19,
24 2017, and ending on the date on which the
25 claim is filed; and

1 (B) the claim is submitted not later than
2 180 days after the date of a discharge of the
3 debt of the Commonwealth of Puerto Rico and
4 the instrumentalities of the Commonwealth of
5 Puerto Rico under section 101.

6 (d) COMPENSATION.—

7 (1) IN GENERAL.—A claimant may not receive
8 compensation under this title if that claimant is not
9 determined to be an eligible person under this sub-
10 section.

11 (2) LIMITATIONS.—

12 (A) IN GENERAL.—A claimant may not re-
13 ceive compensation under this title that exceeds
14 the amount of the claim filed by the claimant
15 under subsection (a), or seek or receive com-
16 pensation for a debt described in section
17 2(5)(B)(ii), which—

18 (i) shall not be discharged; and

19 (ii) shall be repaid in full as provided
20 by section 101(b).

21 (B) ASSIGNED CLAIMS.—In the case of a
22 claim that was assigned to a claimant, the
23 claimant may not receive compensation under
24 this title for that claim that exceeds the amount

1 paid by the claimant for the assignment of that
2 claim.

3 **SEC. 205. PUERTO RICO DEBT RESTRUCTURING COM-**
4 **PENSATION FUND.**

5 (a) IN GENERAL.—On the date of a discharge of the
6 debt of the Commonwealth of Puerto Rico and the instru-
7 mentalities of the Commonwealth of Puerto Rico under
8 section 101, there is established in the Treasury of the
9 United States a fund to be known as the “Puerto Rico
10 Debt Restructuring Compensation Fund”, consisting of
11 amounts appropriated into the Fund under subsection (b).

12 (b) APPROPRIATION.—

13 (1) IN GENERAL.—There is appropriated to the
14 Fund, out of any funds in the Treasury of the
15 United States not otherwise appropriated,
16 \$15,000,000,000, which shall be available without
17 further appropriation to the Special Master to pro-
18 vide compensation for claims of eligible persons
19 under this title.

20 (2) EMERGENCY DESIGNATION.—

21 (A) IN GENERAL.—The amount necessary
22 to carry out this Act is designated by Congress
23 as being for emergency requirements pursuant
24 to section 251(b)(2)(A)(i) of the Balanced

1 Budget and Emergency Deficit Control Act of
2 1985 (2 U.S.C. 901(b)(2)(A)(i)).

3 (B) PAYGO.—

4 (i) IN GENERAL.—This Act is des-
5 ignated as an emergency requirement pur-
6 suant to section 4(g) of the Statutory Pay-
7 As-You-Go Act of 2010 (2 U.S.C. 933(g)).

8 (ii) DESIGNATION IN SENATE.—In the
9 Senate, this Act is designated as an emer-
10 gency requirement pursuant to section
11 403(a) of Senate Concurrent Resolution
12 13, 111th Congress, agreed to April 29,
13 2009.

14 (c) DISTRIBUTION.—

15 (1) IN GENERAL.—Of the amounts appro-
16 priated into the Fund under subsection (b)—

17 (A) 50 percent shall be made available to
18 pay claims of eligible persons described in sec-
19 tion 204(c)(2)(A); and

20 (B) 50 percent shall be made available to
21 pay claims of eligible persons described in sec-
22 tion 204(c)(2)(B).

23 (2) CLAIMS EXCEEDING APPROPRIATED
24 AMOUNTS.—If the claims of eligible persons de-
25 scribed in section 204(c)(2)(A) or of eligible persons

1 described in section 204(c)(2)(B) exceed the
2 amounts appropriated to pay those respective claims
3 under paragraph (1), any claim of an eligible person
4 within that respective category shall be reduced on
5 a pro rata basis.

6 (3) DATE OF DISTRIBUTION.—For the purpose
7 of reducing claims under paragraph (2), the Special
8 Master shall determine a date on which all claims of
9 eligible persons shall be paid.

10 (d) UNOBLIGATED FUNDS.—Any amounts made
11 available under subsection (b) that are not obligated by
12 the Special Master as of the date that is 36 months after
13 the date of enactment of this Act shall be returned to the
14 Treasury of the United States.

15 **SEC. 206. REGULATIONS.**

16 (a) IN GENERAL.—The Special Master shall promul-
17 gate regulations, through notice and comment rulemaking
18 in compliance with section 553 of title 5, United States
19 Code, to carry out this title.

20 (b) NOTICE OF PROPOSED RULEMAKING.—Not later
21 than 60 days after the date on which the Special Master
22 is appointed under section 203(a), the Special Master
23 shall publish a notice of proposed rulemaking in the Fed-
24 eral Register.

1 (c) FINAL RULE.—Not later than 60 days after the
2 date on which the notice of proposed rulemaking described
3 in subsection (b) is published, the Special Master shall
4 promulgate final regulations to carry out this title.

5 (d) VACANCY IN THE POSITION OF SPECIAL MAS-
6 TER.—If promulgation of regulations under this section
7 is completed before the date on which a Special Master
8 is appointed under section 203(a)(3)(A), that Special
9 Master is not required to promulgate new regulations
10 under this section.

11 **SEC. 207. SUNSET.**

12 The provisions of this title shall be effective for the
13 period beginning on the date of enactment of this Act and
14 ending on the date that is 36 months after the date of
15 enactment of this Act.

16 **TITLE III—PUERTO RICO PUBLIC**
17 **CREDIT COMPREHENSIVE**
18 **AUDIT COMMISSION**

19 **SEC. 301. DEFINITIONS.**

20 In this title:

21 (1) COMPREHENSIVE AUDIT.—The term “com-
22 prehensive audit” means a supervisory action taken
23 to examine and evaluate the public debt contracting,
24 refinancing, or renegotiation process, the source and
25 intended use of resources, and the implementation of

1 programs and projects financed with domestic or
2 foreign debt, in order to determine the legitimacy,
3 lawfulness, transparency, quality, efficacy, and effi-
4 ciency thereof, considering legal and financial as-
5 pects, and the economic, social, gender, regional, ec-
6 ological, national, and municipal impact thereof.

7 (2) COMMISSION.—The term “Commission”
8 means the Puerto Rico Public Credit Comprehensive
9 Audit Commission established under section 302.

10 (3) CREDIT REQUEST.—The term “credit re-
11 quest” means request or application for credit by the
12 Commonwealth of Puerto Rico, or any instrumen-
13 tality of the Commonwealth of Puerto Rico, to ob-
14 tain credit from a government or a banking or mul-
15 tilateral financial system in the domestic or foreign
16 private sector, including any agreement, contract, or
17 other form or method relating to that request or ap-
18 plication.

19 **SEC. 302. ESTABLISHMENT; DISSOLUTION.**

20 (a) ESTABLISHMENT.—There is established an inde-
21 pendent commission to be known as the Puerto Rico Pub-
22 lic Credit Comprehensive Audit Commission.

23 (b) DISSOLUTION.—The Commission shall only be
24 dissolved after the Commission completes or fulfills each

1 duty of the Commission under section 304 and issues the
2 final report of the Commission under section 303(b).

3 **SEC. 303. REPORTS.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, and not later than every
6 180 days thereafter, the Commission shall make publicly
7 available a report describing the progress of the Commis-
8 sion in carrying out the duties of the Commission under
9 section 304 as of the date on which the report is released.

10 (b) FINAL REPORT.—Upon completing the duties of
11 the Commission under section 304, the Commission shall
12 make publicly available and submit to the Legislative As-
13 sembly of the Commonwealth of Puerto Rico and the Gov-
14 ernor of the Commonwealth of Puerto Rico the final report
15 of the Commission, which shall state in detail the findings,
16 conclusions, and recommendations of the Commission re-
17 lating to the duties of the Commission carried out under
18 section 304.

19 **SEC. 304. DUTIES.**

20 (a) IN GENERAL.—The Commission shall carry out
21 the duties described in subsections (b) and (c).

22 (b) COMPREHENSIVE AUDIT.—

23 (1) IN GENERAL.—The Commission shall con-
24 duct a comprehensive audit of all public debt of the
25 Commonwealth of Puerto Rico issued during the pe-

1 riod beginning on the first day of fiscal year 1972
2 and ending on the date of enactment of this Act,
3 which shall include an audit of agreements, con-
4 tracts, and other forms or methods employed by the
5 Commonwealth of Puerto Rico and any instrumen-
6 tality thereof to obtain credit from governments,
7 banking or multilateral financial system institutions,
8 and the domestic or foreign private sector.

9 (2) CRITERIA.—In order to conduct the com-
10 prehensive audit under paragraph (1), the Commis-
11 sion shall establish criteria to be used in evaluating
12 each credit request that shall include, with respect
13 to each credit request—

14 (A) any precedent, study, technical, eco-
15 nomic, financial, or social viability score, or
16 other supporting document that supported the
17 credit request at the time the credit request was
18 made;

19 (B) the amount of the credit requested in
20 the credit request;

21 (C) the currency unit in which the credit
22 was obtained through the credit request;

23 (D) the total amount of any subsequent in-
24 crease or extension of credit from the original

1 amount of credit obtained through the credit re-
2 quest;

3 (E) the economic, financial, and business
4 conditions agreed upon under the credit re-
5 quest;

6 (F) the economic, financial, and business
7 conditions effectively applied under the credit
8 request;

9 (G) any condition contained in the credit
10 request;

11 (H) the intended and actual use of any re-
12 sources funded by the credit request;

13 (I) the total impact of any project funded
14 by the credit request;

15 (J) the name of each individual who, on
16 behalf of any party to the credit request, trans-
17 acted or executed the credit request;

18 (K) each method or mechanism used to
19 meet any obligation agreed to under the credit
20 request; and

21 (L) any other circumstance or information
22 determined by the Commission to be pertinent
23 in determining the legitimacy, lawfulness, trans-
24 parency, quality, efficacy, and efficiency of each
25 credit request, considering—

1 (i) the legal and financial aspects of
2 the credit request; and

3 (ii) the economic, social, gender, re-
4 gional, ecological, national, and municipal
5 impact of the credit request.

6 (c) DATA TRANSPARENCY DATABASE.—The Com-
7 mission shall establish and maintain a publicly available
8 data transparency database that shall contain any infor-
9 mation relating to any public, private, domestic, or foreign
10 debt held by a public institution of the Commonwealth of
11 Puerto Rico collected through the comprehensive audit
12 under subsection (b).

13 **SEC. 305. AUTHORITY OF THE COMMISSION.**

14 In order to carry out the duties described in section
15 304, the Commission—

16 (1) may audit, and ensure the transparency of,
17 the indebtedness process of the Commonwealth of
18 Puerto Rico and each instrumentality of the Com-
19 monwealth of Puerto Rico; and

20 (2) shall have primary jurisdiction to intervene,
21 have knowledge of, and conduct, on the initiative of
22 the Commission, any investigation on any matter or
23 dispute relating to any indebtedness process de-
24 scribed in paragraph (1).

1 **SEC. 306. MEMBERSHIP.**

2 (a) IN GENERAL.—The Commission shall be com-
3 posed of—

4 (1) an individual who—

5 (A) not later than 180 days after the date
6 of enactment of this Act, except as provided in
7 subsection (e), shall be selected by the board of
8 directors of the Puerto Rico Institute of Statis-
9 tics from a list of candidates submitted to the
10 board of directors by scientific associations and
11 other relevant professional groups in the Com-
12 monwealth of Puerto Rico;

13 (B) has demonstrated expertise and ad-
14 vanced academic preparation in—

15 (i) statistics;

16 (ii) economics; or

17 (iii) government planning; and

18 (C)(i) during the 5-year period ending on
19 the date on which the individual is selected
20 under subparagraph (A), has not—

21 (I) held an elected public office in the
22 Commonwealth of Puerto Rico; or

23 (II) made any financial contribution
24 to, or participated in, any political cam-
25 paign relating to the Commonwealth of
26 Puerto Rico; and

1 (ii) does not have any other direct political
2 connection to the government of the Common-
3 wealth of Puerto Rico; and

4 (2) the following individuals, who shall be ap-
5 pointed not later than 180 days after the date of en-
6 actment of this Act by the Governor of the Common-
7 wealth of Puerto Rico to serve on the Commission:

8 (A) One representative of each parliamen-
9 tary majority in the Legislative Assembly.

10 (B) One representative of each parliamen-
11 tary minority in the Legislative Assembly.

12 (C) One professor of economics from any
13 public higher education institution located in
14 the Commonwealth of Puerto Rico.

15 (D) One professor of finance from any
16 public higher education institution located in
17 the Commonwealth of Puerto Rico.

18 (E) One professor of accounting from any
19 public higher education institution located in
20 the Commonwealth of Puerto Rico.

21 (F) One professor of statistics from any
22 public higher education institution located in
23 the Commonwealth of Puerto Rico.

1 (G) One professor of law from any public
2 higher education institution located in the Com-
3 monwealth of Puerto Rico.

4 (H) One representative of the labor union
5 sector in the Commonwealth of Puerto Rico.

6 (I) One representative of the business com-
7 munity in the Commonwealth of Puerto Rico,
8 with preference given to a representative from
9 a small- or medium-sized business located in
10 the Commonwealth of Puerto Rico.

11 (J) One representative of the cooperative
12 sector in the Commonwealth of Puerto Rico.

13 (K) One professor of sociology from any
14 public higher education institution who has
15 published work in 1 or more peer-reviewed jour-
16 nals that indicates expertise in data relating to
17 Puerto Rico.

18 (L) One individual who is a translator or
19 interpreter of English and Spanish.

20 (b) CHAIRPERSON.—

21 (1) IN GENERAL.—After each of the members
22 of the Commission are appointed under subsection
23 (a), the members of the Commission shall elect from
24 among the members of the Commission 1 individual
25 to serve as the Chairperson of the Commission.

1 (2) DUTIES.—The Chairperson of the Commis-
2 sion shall—

3 (A) call and preside over meetings of the
4 Commission; and

5 (B) be the legal representative of the Com-
6 mission.

7 (3) TIE VOTE.—In the case of a tie vote among
8 the members of the Commission, the vote of the
9 Chairperson shall be determinative.

10 (c) PERIOD OF APPOINTMENT.—Members of the
11 Commission shall be appointed for the life of the Commis-
12 sion.

13 (d) VACANCIES.—Any vacancy in the Commission
14 shall not affect the powers of the Commission but shall
15 be filled in the same manner as the original appointment
16 or election.

17 (e) MEMBER OF THE COMMISSION SELECTED BY
18 THE PUERTO RICO INSTITUTE OF STATISTICS.—If, on the
19 date of enactment of this Act, the Puerto Rico Institute
20 of Statistics has been disbanded or reorganized to be a
21 part of another government department of the Common-
22 wealth of Puerto Rico, the individual described in sub-
23 section (a)(1) shall be selected by President of the Senate
24 of the Commonwealth of Puerto Rico and the Speaker of
25 the House of Representatives of Puerto Rico.

1 (f) FAILURE TO APPOINT COMMISSION MEMBERS.—
2 If the Governor of the Commonwealth of Puerto Rico fails
3 to appoint any member of the Commission described under
4 subsection (a)(2) during the period described in that sub-
5 section, not later than 180 days after the expiration of
6 that period, the President of the Senate of the Common-
7 wealth of Puerto Rico and the Speaker of the House of
8 Representatives of the Commonwealth of Puerto Rico shall
9 jointly appoint any member that has not been appointed.

10 **SEC. 307. POWERS AND RESPONSIBILITIES.**

11 To carry out the duties of the Commission under sec-
12 tion 304, the Commission shall—

13 (1) adopt internal bylaws as appropriate for the
14 proper operations and fulfillment of the objectives of
15 the Commission;

16 (2) define and propose to the Secretary of the
17 Treasury the hiring of staff to conduct audits in ac-
18 cordance with the rules and administrative proce-
19 dures set forth by the laws of the Commonwealth of
20 Puerto Rico relating to technical audits;

21 (3) designate and hire a minimum number of
22 regular personnel required to carry out the duties
23 and fulfill the objectives of the Commission;

24 (4) read reports relating to the audit processes
25 and other studies that have been entrusted to com-

1 missions and technical units relating to audits of
2 public debt;

3 (5) review and approve the annual budget and
4 operational plan of the Commission based on those
5 devised by the Director of the Office of Management
6 and Budget;

7 (6) as appropriate, request technical support
8 from any public institution, including by, as nec-
9 essary, through the request for the transfer, on a
10 temporary assignment, of any technical personnel re-
11 quired to carry out a specific program of the Com-
12 mission after stating the length of the period for
13 which the transfer will be required;

14 (7) hold—

15 (A) a regular meeting not less than twice
16 each month; and

17 (B) a special meeting upon the request of
18 not less than 3 of the members of the Commis-
19 sion;

20 (8) access the information necessary to dis-
21 charge the duties of the Commission;

22 (9) file with the Legislative Assembly of the
23 Commonwealth of Puerto Rico and the Governor of
24 the Commonwealth of Puerto Rico periodic reports
25 stating achievements of the Commission in carrying

1 out the duties of the Commission under section 304,
2 which shall include any recommendation or sugges-
3 tion that the Commission determines to be pertinent,
4 including any relevant recommendation of the Com-
5 mission relating to the commencement of any appro-
6 priate administrative, civil, or criminal action relat-
7 ing to the findings of the Commission; and

8 (10) propose rules and policies relating to
9 strengthening the procedures relating to audits of
10 public debt as a permanent duty of the Common-
11 wealth of Puerto Rico.

12 **SEC. 308. PROVISION OF REQUESTED INFORMATION.**

13 (a) IN GENERAL.—Each entity, official, or former of-
14 ficial of the Commonwealth of Puerto Rico shall provide
15 any information requested by the Commission in carrying
16 out the duties of the Commission under section 304 by
17 summons or as required by law.

18 (b) ORDER TO COMPLY.—Any entity, official, or
19 former official described in subsection (a) that does not
20 obey a summons or request of the Commission for infor-
21 mation required by the Commission to carry out the duties
22 of the Commission under section 304, the appropriate dis-
23 trict court of the Commonwealth of Puerto Rico shall, on
24 the request of the Commission, issue an order compelling

1 that entity, official, or former official to produce the re-
2 quested information, as appropriate.

3 (c) CONTEMPT.—Any entity, official, or former offi-
4 cial described in subsection (a) that does not comply with
5 an order of the court under subsection (b) shall be held
6 in contempt for failing to obey that order.

7 **SEC. 309. ACCESS TO INFORMATION.**

8 (a) PUBLIC DOCUMENTS.—

9 (1) IN GENERAL.—Any document, record, or in-
10 formation relating to the public debt of the Com-
11 monwealth of Puerto Rico, including any document
12 relating to any public offering, contract, agreement,
13 order, or report detailing how funds obtained are
14 spent, or contract or agreements with a creditor of
15 the Commonwealth of Puerto Rico, shall be—

16 (A) classified as a public document; and

17 (B) made accessible to any interested
18 party.

19 (2) CONFIDENTIALITY.—Any claim of confiden-
20 tiality relating to information described in paragraph
21 (1) by any person, including any entity, official, or
22 former official of the Commonwealth of Puerto Rico,
23 shall be construed narrowly and in favor of pro-
24 moting transparency and the right of the public to
25 that information.

1 (b) CONFIDENTIAL INFORMATION.—

2 (1) IN GENERAL.—The Commission shall have
3 the authority to obtain confidential information nec-
4 essary to carry out the duties of the Commission
5 under section 304.

6 (2) CONFIDENTIALITY.—The Commission shall
7 keep any information described under subsection (a)
8 confidential as required under the Constitution of
9 the Commonwealth of Puerto Rico.

10 (c) RULE OF CONSTRUCTION.—Nothing in this title
11 shall be construed to grant any special power to the Com-
12 mission to conceal information from the public based on
13 any rule relating to confidentiality. This title shall be in-
14 terpreted broadly to favor the right of the public to infor-
15 mation relating to the activities of the Commission.

16 **SEC. 310. FUNDING.**

17 The Legislative Assembly of the Commonwealth of
18 Puerto Rico shall provide the Commission with sufficient
19 funds to carry out the duties of the Commission under
20 section 304, including funds to pay fair compensation to
21 members and staff of the Commission, based on the an-
22 nual budget prepared for the Commission by the Office
23 of Management and Budget, which shall be included in
24 the general budget of the Commonwealth of Puerto Rico.

1 **TITLE IV—SEVERABILITY**

2 **SEC. 401. SEVERABILITY.**

3 If any provision of this Act or the application of such
4 provision to any person or circumstance is held to be in-
5 valid or unconstitutional, the remainder of this Act and
6 the application of the provisions of this Act to any person
7 or circumstance shall remain and shall not be affected
8 thereby.

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