

118TH CONGRESS
1ST SESSION

S. 922

To amend PROMESA to include certain ethics provisions to provide for the disqualification of certain advisors to the Financial Oversight and Management Board, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2023

Mr. RUBIO (for himself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend PROMESA to include certain ethics provisions to provide for the disqualification of certain advisors to the Financial Oversight and Management Board, 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 “Financial Oversight
5 and Management Board Integrity Act of 2023”.

1 **SEC. 2. DISQUALIFICATION OF CERTAIN ADVISORS TO THE**
2 **FINANCIAL OVERSIGHT AND MANAGEMENT**
3 **BOARD.**

4 Section 109 of PROMESA (48 U.S.C. 2129) is
5 amended by adding at the end the following:

6 “(c) DISQUALIFICATION OF CERTAIN ADVISORS.—

7 “(1) DEFINITION OF COVERED CONTRACT.—In
8 this subsection, the term ‘covered contract’ means a
9 contract with the territorial government or an in-
10 strumentality of the territorial government, the per-
11 formance of which is within the jurisdiction of the
12 Oversight Board under section 204(b).

13 “(2) DISQUALIFICATION.—In accordance with
14 the rules adopted by the Oversight Board under
15 paragraph (3), any third-party advisory or con-
16 sulting firm shall be disqualified from advising the
17 Oversight Board for the duration of any period dur-
18 ing which the firm has as a client, or provides advi-
19 sory or other consulting services in any capacity to,
20 an individual, corporation, association, organization,
21 or other business entity, including a subsidiary, that
22 is competing for, or is performing, a covered con-
23 tract.

24 “(3) RULES.—For purposes of carrying out
25 paragraph (2), the Oversight Board shall adopt rules
26 to carry out the following:

1 “(A) To be eligible to advise or consult the
2 Oversight Board with respect to the review,
3 procurement, or performance of a covered con-
4 tract, a third-party advisory or consulting firm
5 shall certify to the Oversight Board that the
6 third-party advisory or consulting firm is not
7 disqualified from advising the Oversight Board
8 under paragraph (2).

9 “(B) Any officer or employee of a third-
10 party advisory or consulting firm who prepares,
11 presents, or certifies any information or report
12 with respect to the certification of the third-
13 party advisory or consulting firm under sub-
14 paragraph (A) for the Oversight Board, or any
15 agent of the Oversight Board, that is inten-
16 tionally false or misleading, or, on learning that
17 any such information is false or misleading,
18 fails to immediately advise the Oversight Board
19 or an agent of the Oversight Board in writing,
20 shall be subject to prosecution and penalties
21 under law.

22 “(C) If, after an investigation conducted
23 by the Oversight Board, the Oversight Board
24 determines that a third-party advisory or con-
25 sulting firm has provided services to the Over-

1 sight Board in violation of paragraph (2), has
2 failed to submit a certification required under
3 subparagraph (A), or is in violation of subpara-
4 graph (B) (including any rules adopted under
5 subparagraph (A) or (B)), the Oversight Board
6 shall immediately refer such information to the
7 Attorney General for the covered territory and
8 the Office of the United States Attorney for the
9 covered territory.”.

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