

116TH CONGRESS
1ST SESSION

S. 1675

To impose requirements on the payment of compensation to professional persons employed in voluntary cases commenced under title III of PROMESA.

IN THE SENATE OF THE UNITED STATES

MAY 23 (legislative day, MAY 22), 2019

Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. BLUMENTHAL, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To impose requirements on the payment of compensation to professional persons employed in voluntary cases commenced under title III of PROMESA.

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 “Puerto Rico Recovery
5 Accuracy in Disclosures Act of 2019” or “PRRADA”.

6 **SEC. 2. DISCLOSURE BY PROFESSIONAL PERSONS SEEKING**

7 **APPROVAL OF COMPENSATION UNDER SEC-**
8 **TION 316 OR 317 OF PROMESA.**

9 (a) REQUIRED DISCLOSURE.—

1 (1) IN GENERAL.—In a voluntary case com-
2 menced under section 304 of PROMESA (48 U.S.C.
3 2164), no attorney, accountant, appraiser, auc-
4 tioneer, agent, consultant, or other professional per-
5 son may be compensated under section 316 or 317
6 of that Act (48 U.S.C. 2176, 2177) unless prior to
7 making a request for compensation, the professional
8 person has submitted a verified statement con-
9 forming to the disclosure requirements of rule
10 2014(a) of the Federal Rules of Bankruptcy Proce-
11 dure setting forth the connection of the professional
12 person with—

13 (A) the debtor;

14 (B) any creditor;

15 (C) any other party in interest, including
16 any attorney or accountant;

17 (D) the Financial Oversight and Manage-
18 ment Board established in accordance with sec-
19 tion 101 of PROMESA (48 U.S.C. 2121); and

20 (E) any person employed by the Oversight
21 Board described in subparagraph (D).

22 (2) OTHER REQUIREMENTS.—A professional
23 person that submits a statement under paragraph
24 (1) shall—

1 (A) supplement the statement with any ad-
2 ditional relevant information that becomes
3 known to the person; and

4 (B) file annually a notice confirming the
5 accuracy of the statement.

6 (b) REVIEW.—

7 (1) IN GENERAL.—The United States Trustee
8 shall review each verified statement submitted pur-
9 suant to subsection (a) and may file with the court
10 comments on such verified statements before the
11 professionals filing such statements seek compensa-
12 tion under section 316 or 317 of PROMESA (48
13 U.S.C. 2176, 2177).

14 (2) OBJECTION.—The United States Trustee
15 may object to compensation applications filed under
16 section 316 or 317 of PROMESA (48 U.S.C. 2176,
17 2177) that fail to satisfy the requirements of sub-
18 section (e).

19 (3) RIGHT TO BE HEARD.—Each person de-
20 scribed in section 1109 of title 11, United States
21 Code, may appear and be heard on any issue in a
22 case under this section.

23 (c) JURISDICTION.—The district courts of the United
24 States shall have jurisdiction of all cases under this sec-
25 tion.

1 (d) RETROACTIVITY.—

2 (1) IN GENERAL.—If a court has entered an
3 order approving compensation under a case com-
4 menced under section 304 of PROMESA (48 U.S.C.
5 2164), each professional person subject to the order
6 shall file a verified statement in accordance with
7 subsection (a) not later than 30 days after the date
8 of enactment of this Act.

9 (2) NO DELAY.—A court may not delay any
10 proceeding in connection with a case commenced
11 under section 304 of PROMESA (48 U.S.C. 2164)
12 pending the filing of a verified statement under
13 paragraph (1).

14 (e) LIMITATION ON COMPENSATION.—

15 (1) IN GENERAL.—In a voluntary case com-
16 menced under section 304 of PROMESA (48 U.S.C.
17 2164), in connection with the review and approval of
18 professional compensation under section 316 or 317
19 of PROMESA (48 U.S.C. 2176, 2177), the court
20 may deny allowance of compensation for services and
21 reimbursement of expenses, accruing after the date
22 of the enactment of this Act of a professional person
23 if the professional person—

1 (A) has failed to file statements of connec-
2 tions required by subsection (a) or has filed in-
3 adequate statements of connections;

4 (B) except as provided in paragraph (3), is
5 on or after the date of enactment of this Act
6 not a disinterested person, as defined in section
7 101 of title 11, United States Code; or

8 (C) except as provided in paragraph (3),
9 represents, or holds an interest adverse to, the
10 interest of the estate with respect to the matter
11 on which such professional person is employed.

12 (2) CONSIDERATIONS.—In making a determina-
13 tion under paragraph (1), the court may take into
14 consideration whether the services and expenses are
15 in the best interests of creditors and the estate.

16 (3) COMMITTEE PROFESSIONAL STANDARDS.—
17 An attorney or accountant described in section
18 1103(b) of title 11, United States Code, shall be
19 deemed to have violated paragraph (1) if the attor-
20 ney or accountant violates section 1103(b) of title
21 11, United States Code.

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