

1 **TITLE V—PUERTO RICO**
2 **REVITALIZATION ACT**

3 **SEC. 501. DEFINITIONS.**

4 In this title:

5 (1) ACT 76.—The term “Act 76” means Puerto
6 Rico Act 76-2000 (3 L.P.R.A. 1931 et seq.), ap-
7 proved on May 5, 2000, as amended.

8 (2) OVERSIGHT BOARD.—The term “Oversight
9 Board” means the Puerto Rico Financial Oversight
10 and Management Assistance Board as defined by
11 section [101] of this Act.

12 (3) CRITICAL PROJECT.—The term “Critical
13 Project” means a project identified under the provi-
14 sions of this Title and intimately related to address-
15 ing an emergency, as defined by section 1 of Act 76
16 (3 L.P.R.A. 1931), whose approval, consideration,
17 permitting, and implementation shall be expedited
18 and streamlined according to the statutory process
19 provided by Act 76, or otherwise adopted pursuant
20 to this title.

21 (4) ENERGY PROJECTS.—The term “Energy
22 Projects” means those projects addressing the gen-
23 eration, distribution, or transmission of energy, nat-
24 ural gas, and similar fuels.

1 (5) EMERGENCY.—The term “emergency”
2 means any event or grave problem of deterioration
3 in the physical infrastructure for the rendering of
4 essential services to the people, or that endangers
5 the life, public health, or safety of the population or
6 of a sensitive ecosystem. This shall include problems
7 in the physical infrastructure for energy, water,
8 sewer, solid waste, highways or roads, ports, tele-
9 communications and other similar infrastructure.

10 (6) ENVIRONMENTAL QUALITY BOARD.—The
11 term “Environmental Quality Board” means the
12 Puerto Rico Environmental Quality Board, a board
13 within the executive branch of the Government of
14 Puerto Rico as established by section 7 of the Puer-
15 to Rico Act 416–2004 (12 L.P.R.A. 8002a).

16 (7) EXPEDITED PERMITTING PROCESS.—The
17 term “Expedited Permitting Process” means a Puer-
18 to Rican Agency’s alternate procedures and terms
19 mirroring those established under section 2 of Act
20 76 (3 L.P.R.A. 1932).

21 (8) FISCAL PLAN.—The term “Fiscal Plan”
22 means the Fiscal Plan as defined by section [204]
23 of this Act.

24 (9) GOVERNOR.—The term “Governor” means
25 the Governor of Puerto Rico.

1 (10) INTERAGENCY ENVIRONMENTAL SUB-
2 COMMITTEE.—The Term “Interagency Environ-
3 mental Subcommittee” means the Interagency Sub-
4 committee on Expedited Environmental Regulations
5 as defined by section 4 of Act 76 (3 L.P.R.A. 1934),
6 and adopted pursuant to this title.

7 (11) LEGISLATURE.—The term “Legislature”
8 means the Legislature of Puerto Rico.

9 (12) PLANNING BOARD.—The term “Planning
10 Board” means the Puerto Rico Planning Board, a
11 board within the executive branch of the Govern-
12 ment of Puerto Rico established by Act 75-1975 (23
13 L.P.R.A. 62 et seq).

14 (13) PUERTO RICAN AGENCY OR AGENCIES.—
15 The terms “Puerto Rican Agency” or “Puerto Rican
16 Agencies” means any board, body, Board of exam-
17 iners, public corporation, commission, independent
18 office, division, administration, bureau, department,
19 Oversight Board, official, person, entity, munici-
20 pality, or any instrumentality of the Commonwealth
21 of Puerto Rico, or an administrative body authorized
22 by law to perform duties of regulating, investigating,
23 or that may issue a decision, or with the power to
24 issue licenses, certificates, permits, concessions, ac-
25 creditations, privileges, franchises, except the Senate

1 and the House of Representatives of the Legislature
2 and the Judicial Branch..

3 **SEC. 502. POSITION OF REVITALIZATION COORDINATOR.**

4 (a) ESTABLISHMENT.—There is established, under
5 the Oversight Board, the position of the Revitalization Co-
6 ordinator.

7 (b) APPOINTMENT.—

8 (1) IN GENERAL.—The Revitalization Coordi-
9 nator shall be appointed by the Governor as follows:

10 (A) [____].—Prior to the appointment of
11 the Revitalization Coordinator, the Oversight
12 Board shall submit to the Governor no less
13 than three nominees for appointment.

14 (B) [____].—In consultation with the
15 Oversight Board, within [10 days] of receiving
16 the nominations under subparagraph (A), the
17 Governor shall select one of the nominees as the
18 Revitalization Coordinator. Such nomination
19 shall be effective immediately.

20 (C) FAILURE OF NOMINATION.—If the
21 Governor fails to select a Revitalization Coordi-
22 nator, the Oversight Board shall, by majority
23 vote, select a Revitalization Coordinator from
24 the list of nominees provided under paragraph
25 (A).

1 (2) QUALIFICATIONS.—In selecting nominees
2 under paragraph (1)(A), the Oversight Board shall
3 only nominate persons who—

4 (A) have substantial knowledge and exper-
5 tise in the planning, pre-development, financing
6 and development of infrastructure projects, pro-
7 vided that stronger consideration shall be given
8 to candidates who have experience with energy
9 infrastructure projects;

10 (B) does not currently provide, or in the
11 preceding 3 calendar years provided, goods or
12 services to the government of Puerto Rico (and
13 is not the spouse, parent, child, or sibling of an
14 individual who provides or has provided goods
15 and services to the government of Puerto Rico
16 in the preceding 3 calendar years); and

17 (C) not be an officer, employee of, or
18 former officer or employee of the government of
19 Puerto Rico in the preceding 3 calendar years.

20 (3) COMPENSATION.—The Revitalization Coor-
21 dinator shall be compensated at an annual rate de-
22 termined by the Oversight Board sufficient in the
23 judgment of the Oversight Board to obtain the serv-
24 ices of an individual with the skills and experience
25 required to discharge the duties of the position.

1 (c) ASSIGNMENT OF PERSONNEL.—The Executive
2 Director of the Oversight Board may assign Oversight
3 Board personnel to assist the Revitalization Coordinator.

4 (d) REMOVAL.—

5 (1) IN GENERAL.—The Revitalization Coordi-
6 nator may be removed for cause by the Oversight
7 Board.

8 (2) TERMINATION OF POSITION.—Upon the
9 [termination of the Oversight Board], the position
10 of the Revitalization Coordinator shall be termi-
11 nated.

12 **SEC. 503. CRITICAL PROJECTS.**

13 (a) IDENTIFICATION OF PROJECTS.—

14 (1) PROJECT SUBMISSION.—Any project spon-
15 sor may submit any existing, ongoing, or proposed
16 project to the Revitalization Coordinator, and the
17 relevant Puerto Rican Agencies for consideration as
18 a Critical Project. Such submission shall include:

19 (A) The impact the project will have on an
20 emergency;

21 (B) The availability of immediate private
22 capital or other funds, including, loan guaran-
23 tees, loans, or grants, to implement the project;

1 (C) Economic benefits provided by the
2 project, including the number of jobs to be cre-
3 ated;

4 (D) The status of the project if it is exist-
5 ing or ongoing;

6 (E) Additional criteria the Revitalization
7 Coordinator, in consultation with the Governor,
8 deems appropriate; and

9 (F) In addition to the requirements found
10 in paragraphs (A) through (E), the following
11 criteria apply to Energy Projects and how the
12 project will—

13 (i) reduce reliance on oil for electric
14 generation in Puerto Rico;

15 (ii) improve performance of energy in-
16 frastructure and overall energy efficiency;

17 (iii) expedite the diversification and
18 conversion of fuel sources for electric gen-
19 eration from oil to natural gas, and renew-
20 ables in Puerto Rico;

21 (iv) promote the development and uti-
22 lization of energy sources found on Puerto
23 Rico;

1 (v) contribute to transitioning to
2 privatized generation capacities for the
3 Puerto Rico Electric Power Authority; and

4 (vi) additional criteria the Revitaliza-
5 tion Coordinator, in consultation with the
6 Governor, deems appropriate.

7 (2) CERTIFICATION OF EXPEDITED PERMIT-
8 TING PROCESS.—

9 (A) Within **[20 days]** of receiving a
10 project submission, each Puerto Rican Agency
11 identified in paragraph (1) shall submit to the
12 Revitalization Coordinator the Agency's Expe-
13 dited Permitting Process.

14 (B) Failure to Provide Expedited Permit-
15 ting Process - If a Puerto Rican Agency fails
16 to provide an Expedited Permitting Process
17 within **[10 days]** of receiving a project submis-
18 sion, the Revitalization Coordinator shall—

19 (i) consult with the Governor of Puer-
20 to Rico to develop within **[10 days]** an
21 Expedited Permitting Process for the
22 Agency; and

23 (ii) require such Puerto Rican Agency
24 to implement the developed Expedited Per-
25 mitting Process pursuant to the Oversight

1 Board's ability to establish and impose
2 regulations under section [208(d)] of this
3 Act.

4 (b) CRITICAL PROJECT REPORT.—

5 (1) [____].—For each submitted project,
6 the Revitalization Coordinator in consultation with
7 the relevant Puerto Rican Agencies identified in sub-
8 section (a)(1) shall develop a Critical Project Report
9 within [60 days from the submission of the
10 project], which shall include:

11 (A) An assessment of how well the project
12 meets the criteria in subsection (a)(1).

13 (B) A recommendation by the Governor on
14 whether the project should be considered a Crit-
15 ical Project. If the Governor fails to provide a
16 recommendation, the failure shall constitute a
17 concurrence with the Revitalization Coordina-
18 tor's recommendation in paragraph (C).

19 (C) A recommendation by the Revitaliza-
20 tion Coordinator on whether the project should
21 be considered a Critical Project.

22 (2) SUBMISSION TO OVERSIGHT BOARD.—With-
23 in [5 days] of finalizing a Critical Project Report,
24 the Revitalization Coordinator shall submit it to the
25 Oversight Board.

1 (c) ACTION BY THE OVERSIGHT BOARD.—Within
2 [30 days] of receiving the Critical Project Report, the
3 Oversight Board, by majority vote, shall approve or dis-
4 approve the project as a Critical Project, if the Oversight
5 Board—

6 (1) approves the project, the project shall be
7 deemed a Critical Project;

8 (2) disapproves the project, the Oversight
9 Board shall submit to the Revitalization Coordinator
10 in writing the reasons for disapproval; and

11 (3) fails to act and the Revitalization Coordi-
12 nator had recommended the project be deemed a
13 Critical Project, then the project shall be deemed a
14 Critical Project.

15 **SEC. 504. MISCELLANEOUS PROVISIONS.**

16 (a) CREATION OF INTERAGENCY ENVIRONMENTAL
17 SUBCOMMITTEE.—

18 (1) ESTABLISHMENT.—Within 60 days of the
19 date on which the Revitalization Coordinator is ap-
20 pointed, the Interagency Environmental Sub-
21 committee shall be established in accordance with
22 the provisions of section 4 of Act 76 (3 L.P.R.A.
23 1934), and shall evaluate environmental documents
24 required under Puerto Rican law for any Critical
25 Project within the Expedited Permitting Process.

1 (2) COMPOSITION.—The Interagency Environ-
2 mental Subcommittee shall consist of the Revitaliza-
3 tion Coordinator, and a representative selected by
4 the Governor in consultation with the Revitalization
5 Coordinator representing each of the following agen-
6 cies the Environmental Quality Board, the Planning
7 Board, the Puerto Rico Department of Natural and
8 Environmental Resources, and any other Puerto
9 Rican Agency determined to be relevant by the Revi-
10 talization Coordinator.

11 (b) REGULATIONS, ORDERS, AND CONTRACTS.—The
12 Revitalization Coordinator shall approve or disapprove of
13 any action taken by the Governor pursuant to or mirroring
14 section 11 of Act 76 (3 L.P.R.A. 1941). If the Revitaliza-
15 tion Coordinator disapproves such action, the Oversight
16 Board shall review such action within **[30 days]** and shall
17 ratify the Revitalization Coordinator's disapproval by ma-
18 jority vote. In such case, the Governor's action shall be
19 null and void. If the Oversight Board fails to act within
20 30 days or fails to ratify the Revitalization Coordinator's
21 decision, the Governor's action shall be ratified.

22 (c) SPECIFIC COMPLIANCE OF BOARDS.—The Envi-
23 ronmental Quality Board and the Planning Board must
24 adopt and follow the specific provisions of Act 76 directed

1 towards each board, and take whatever actions may be
2 necessary to comply with the intent of this Title.

3 (d) LENGTH OF EXPEDITED PERMITTING PROC-
4 ESS.—For each Critical Project, Puerto Rican Agencies
5 shall operate as if the Governor has declared an emergency
6 pursuant to section 2 of Act 76 (3 L.P.R.A. 1932). Sec-
7 tion 12 of Act 76 (3 L.P.R.A. 1942) shall not be applica-
8 ble to Critical Projects.

9 (e) EXPEDITED PERMITTING PROCESS COMPLI-
10 ANCE.—

11 (1) WRITTEN NOTICE.—A Critical Project
12 sponsor may in writing notify the Revitalization Co-
13 ordinator or the Oversight Board of a Puerto Rican
14 Agency's, or the Revitalization Coordinator's failure
15 to adhere to the Expedited Permitting Process.

16 (2) FINDING OF FAILURE.—If the Revitaliza-
17 tion Coordinator or the Oversight Board finds the
18 Critical Sponsor's notification to have merit, the Re-
19 vitalization Coordinator or the Oversight Board shall
20 direct the offending party to comply with the Expe-
21 dited Permitting Process. The Oversight Board may
22 take such enforcement action as necessary as pro-
23 vided by section 104(j) of this Act.

24 (e) REVIEW OF LEGISLATURE ACTS.—

1 (1) SUBMISSION OF ACTS TO OVERSIGHT
2 BOARD.—The Legislature shall notify the Revitaliza-
3 tion Coordinator and Oversight Board of any pro-
4 posed act of the Legislature that may affect the Ex-
5 pedited Permitting Process.

6 (2) FINDING OF OVERSIGHT BOARD.—Upon re-
7 ceipt of an act from the Legislature under para-
8 graph (1), the Oversight Board shall promptly re-
9 view whether the proposed act would hinder the Ex-
10 pedited Permitting Process, and upon such a find-
11 ing, the act shall be deemed contrary to the Fiscal
12 Plan and shall undergo the review process as identi-
13 fied by section [205(a)] of this Act.

14 (f) PROHIBITION OF CERTAIN TERMS AND CONDI-
15 TIONS.—No Puerto Rican Agency may include in any cer-
16 tificate, right-of-way, permit, lease, or other authorization
17 issued for a Critical Project any term or condition that
18 may be permitted, but is not required, by any applicable
19 law, if the Revitalization Coordinator determines the term
20 or condition would prevent or impair the expeditious con-
21 struction, operation, or expansion of the Critical Project.

22 **SEC. 505. FEDERAL AGENCY REQUIREMENTS.**

23 (a) FEDERAL POINTS OF CONTACT.—At the request
24 of the Revitalization Coordinator and within [30 days]
25 of receiving such a request, each federal agency with juris-

1 diction over the permitting, or administrative or environ-
2 mental review of private or public projects on Puerto Rico,
3 shall name a Point of Contact who will serve as that agen-
4 cy's liaison with the Revitalization Coordinator.

5 (b) FEDERAL GRANTS AND LOANS.—For each Crit-
6 ical Project with a pending or potential Federal grant,
7 loan, or loan guarantee application, the Revitalization Co-
8 ordinator shall cooperate with the relevant Point of Con-
9 tact, and vice-versa, to ensure expeditious review of such
10 application.

11 (c) EXPEDITED REVIEWS AND ACTIONS OF FEDERAL
12 AGENCIES.—All reviews conducted and actions taken by
13 any Federal agency relating to a Critical Project, shall be
14 expedited in a manner consistent with completion of the
15 necessary reviews and approvals by the deadlines under
16 the Expedited Permitting Process, but in no way shall the
17 deadlines established through the Expedited Permitting
18 Process be binding on any Federal agency.

19 (d) [____].—No action undertaken by a Federal en-
20 tity regarding a Critical Project shall be considered a
21 major Federal action for purposes of the National Envi-
22 ronmental Policy Act of 1969 (42 U.S.C. 4332).

23 **SEC. 506. JUDICIAL REVIEW.**

24 (a) EXCLUSIVE JURISDICTION.—Except for review by
25 the U.S. Supreme Court on writ of certiorari, the United

1 States District Court for the District of Puerto Rico shall
2 have original and exclusive jurisdiction to determine—

3 (1) the validity of any final order or action (in-
4 cluding a failure to act) of any Federal or Puerto
5 Rican agency or officer under this title;

6 (2) the constitutionality of any provision, or any
7 decision made or action taken under this title; or

8 (3) the adequacy of any environmental review
9 with respect to any action under this title.

10 (b) DEADLINE FOR FILING OF A CLAIM.—A claim
11 arising under this title must be brought no later than 30
12 days after the date of the decision or action giving rise
13 to the claim.

14 (c) EXPEDITED CONSIDERATION.—The District
15 Court for the District of Puerto Rico shall set any action
16 brought under subsection (a) for expedited consideration,
17 taking into account the national interest of enhancing
18 Puerto Rico's infrastructure for electricity, water and
19 sewer services, roads and bridges, ports, and solid waste
20 management to achieve compliance with local and federal
21 environmental laws, regulations and policies while ensur-
22 ing the continuity of adequate services to the people of
23 Puerto Rico and the Commonwealth's sustainable eco-
24 nomic development.

1 **SEC. 507. SUPREMACY.**

2 The provisions of this title shall prevail over any gen-
3 eral or special provision of Puerto Rican law or regulation
4 that is inconsistent therewith.

5 **SEC. 508. SEVERABILITY.**

6 If any provision of this title, or the application of
7 such a provision to any person or circumstance, is held
8 to be unconstitutional, the remainder of this title and the
9 application of the remaining provisions of this title to any
10 person or circumstance shall not be affected thereby.