

REFERENCES IN TEXT

This chapter, referred to in subsec. (h), was in the original “This Act”, meaning Pub. L. 114-187, June 30, 2016, 130 Stat. 549, known as the Puerto Rico Oversight, Management, and Economic Stability Act and also as PROMESA, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of this title and Tables.

§ 2165. Limitation on jurisdiction and powers of court

Subject to the limitations set forth in subchapters I and II of this chapter, notwithstanding any power of the court, unless the Oversight Board consents or the plan so provides, the court may not, by any stay, order, or decree, in the case or otherwise, interfere with—

- (1) any of the political or governmental powers of the debtor;
- (2) any of the property or revenues of the debtor; or
- (3) the use or enjoyment by the debtor of any income-producing property.

(Pub. L. 114-187, title III, §305, June 30, 2016, 130 Stat. 580.)

§ 2166. Jurisdiction

(a) Federal subject matter jurisdiction

The district courts shall have—

- (1) except as provided in paragraph (2), original and exclusive jurisdiction of all cases under this subchapter; and
- (2) except as provided in subsection (b), and notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, original but not exclusive jurisdiction of all civil proceedings arising under this subchapter, or arising in or related to cases under this subchapter.

(b) Property jurisdiction

The district court in which a case under this subchapter is commenced or is pending shall have exclusive jurisdiction of all property, wherever located, of the debtor as of the commencement of the case.

(c) Personal jurisdiction

The district court in which a case under this subchapter is pending shall have personal jurisdiction over any person or entity.

(d) Removal, remand, and transfer

(1) Removal

A party may remove any claim or cause of action in a civil action, other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce the police or regulatory power of the governmental unit, to the district court for the district in which the civil action is pending, if the district court has jurisdiction of the claim or cause of action under this section.

(2) Remand

The district court to which the claim or cause of action is removed under paragraph (1) may remand the claim or cause of action on any equitable ground. An order entered under this subsection remanding a claim or cause of

action, or a decision not to remand, is not reviewable by appeal or otherwise by the court of appeals under section 158(d), 1291 or 1292 of title 28 or by the Supreme Court of the United States under section 1254 of title 28.

(3) Transfer

A district court shall transfer any civil proceeding arising under this subchapter, or arising in or related to a case under this subchapter, to the district court in which the case under this subchapter is pending.

(e) Appeal

(1) An appeal shall be taken in the same manner as appeals in civil proceedings generally are taken to the courts of appeals from the district court.

(2) The court of appeals for the circuit in which a case under this subchapter has venue pursuant to section 2167 of this title shall have jurisdiction of appeals from all final decisions, judgments, orders and decrees entered under this subchapter by the district court.

(3) The court of appeals for the circuit in which a case under this subchapter has venue pursuant to section 2167 of this title shall have jurisdiction to hear appeals of interlocutory orders or decrees if—

(A) the district court on its own motion or on the request of a party to the order or decree certifies that—

- (i) the order or decree involves a question of law as to which there is no controlling decision of the court of appeals for the circuit or of the Supreme Court of the United States, or involves a matter of public importance;
- (ii) the order or decree involves a question of law requiring the resolution of conflicting decisions; or
- (iii) an immediate appeal from the order or decree may materially advance the progress of the case or proceeding in which the appeal is taken; and

(B) the court of appeals authorizes the direct appeal of the order or decree.

(4) If the district court on its own motion or on the request of a party determines that a circumstance specified in clauses (i), (ii), or (iii) of paragraph (3)(A) exists, then the district court shall make the certification described in paragraph (3).

(5) The parties may supplement the certification with a short statement of the basis for the certification issued by the district court under paragraph (3)(A).

(6) Except as provided in section 2164(d) of this title, an appeal of an interlocutory order or decree does not stay any proceeding of the district court from which the appeal is taken unless the district court, or the court of appeals in which the appeal is pending, issues a stay of such proceedings pending the appeal.

(7) Any request for a certification in respect to an interlocutory appeal of an order or decree shall be made not later than 60 days after the entry of the order or decree.

(f) Reallocation of court staff

Notwithstanding any law to the contrary, the clerk of the court in which a case is pending

shall reallocate as many staff and assistants as the clerk deems necessary to ensure that the court has adequate resources to provide for proper case management.

(Pub. L. 114-187, title III, §306, June 30, 2016, 130 Stat. 580.)

§ 2167. Venue

(a) In general

Venue shall be proper in—

(1) with respect to a territory, the district court for the territory or, for any territory that does not have a district court, the United States District Court for the District of Hawaii; and

(2) with respect to a covered territorial instrumentality, the district court for the territory in which the covered territorial instrumentality is located or, for any territory that does not have a district court, the United States District Court for the District of Hawaii.

(b) Alternative venue

(1) If the Oversight Board so determines in its sole discretion, then venue shall be proper in the district court for the jurisdiction in which the Oversight Board maintains an office that is located outside the territory.

(2) With respect to paragraph (1), the Oversight Board may consider, among other things—

(A) the resources of the district court to adjudicate a case or proceeding; and

(B) the impact on witnesses who may be called in such a case or proceeding.

(Pub. L. 114-187, title III, §307, June 30, 2016, 130 Stat. 582.)

§ 2168. Selection of presiding judge

(a) For cases in which the debtor is a territory, the Chief Justice of the United States shall designate a district court judge to sit by designation to conduct the case.

(b) For cases in which the debtor is not a territory, and no motion for joint administration of the debtor's case with the case of its affiliate territory has been filed or there is no case in which the affiliate territory is a debtor, the chief judge of the court of appeals for the circuit embracing the district in which the case is commenced shall designate a district court judge to conduct the case.

(Pub. L. 114-187, title III, §308, June 30, 2016, 130 Stat. 582.)

§ 2169. Abstention

Nothing in this subchapter prevents a district court in the interests of justice from abstaining from hearing a particular proceeding arising in or related to a case under this subchapter.

(Pub. L. 114-187, title III, §309, June 30, 2016, 130 Stat. 583.)

§ 2170. Applicable rules of procedure

The Federal Rules of Bankruptcy Procedure shall apply to a case under this subchapter and to all civil proceedings arising in or related to cases under this subchapter.

(Pub. L. 114-187, title III, §310, June 30, 2016, 130 Stat. 583.)

REFERENCES IN TEXT

The Federal Rules of Bankruptcy Procedure, referred to in text, are set out in the Appendix to Title 11, Bankruptcy.

§ 2171. Leases

A lease to a territory or territorial instrumentality shall not be treated as an executory contract or unexpired lease for the purposes of section 365 or 502(b)(6) of title 11 solely by reason of the lease being subject to termination in the event the debtor fails to appropriate rent.

(Pub. L. 114-187, title III, §311, June 30, 2016, 130 Stat. 583.)

§ 2172. Filing of plan of adjustment

(a) Exclusivity

Only the Oversight Board, after the issuance of a certificate pursuant to section 2124(j) of this title, may file a plan of adjustment of the debts of the debtor.

(b) Deadline for filing plan

If the Oversight Board does not file a plan of adjustment with the petition, the Oversight Board shall file a plan of adjustment at the time set by the court.

(Pub. L. 114-187, title III, §312, June 30, 2016, 130 Stat. 583.)

§ 2173. Modification of plan

The Oversight Board, after the issuance of a certification pursuant to section 2124(j) of this title, may modify the plan at any time before confirmation, but may not modify the plan so that the plan as modified fails to meet the requirements of this subchapter. After the Oversight Board files a modification, the plan as modified becomes the plan.

(Pub. L. 114-187, title III, §313, June 30, 2016, 130 Stat. 583.)

§ 2174. Confirmation

(a) Objection

A special tax payer may object to confirmation of a plan.

(b) Confirmation

The court shall confirm the plan if—

(1) the plan complies with the provisions of title 11, made applicable to a case under this subchapter by section 2161 of this title;

(2) the plan complies with the provisions of this subchapter;

(3) the debtor is not prohibited by law from taking any action necessary to carry out the plan;

(4) except to the extent that the holder of a particular claim has agreed to a different treatment of such claim, the plan provides that on the effective date of the plan each holder of a claim of a kind specified in 507(a)(2)¹ of title 11 will receive on account of

¹ So in original. Probably should be preceded by "section".