

## **TITLE 51—NATIONAL AND COMMERCIAL SPACE PROGRAMS**

### **Chapter 509—COMMERCIAL SPACE LAUNCH ACTIVITIES**

#### **§ 50915. Paying claims exceeding liability insurance and financial responsibility requirements 426**

(a) General Requirements.—(1) To the extent provided in advance in an appropriation law or to the extent additional legislative authority is enacted providing for paying claims in a compensation plan submitted under subsection (d) of this section, the Secretary of Transportation shall provide for the payment by the United States Government of a successful claim (including reasonable litigation or settlement expenses) of a third party against a person described in paragraph (3)(A) resulting from an activity carried out under the license issued or transferred under this chapter for death, bodily injury, or property damage or loss resulting from an activity carried out under the license. However, claims may be paid under this section only to the extent the total amount of successful claims related to one launch or reentry—

(A) is more than the amount of insurance or demonstration of financial responsibility required under section 50914(a)(1)(A) of this title; and

(B) is not more than \$1,500,000,000 (plus additional amounts necessary to reflect inflation occurring after January 1, 1989) above that insurance or financial responsibility amount.

(2) The Secretary may not provide for paying a part of a claim for which death, bodily injury, or property damage or loss results from willful misconduct by the licensee or transferee. To the extent insurance required under section 50914(a)(1)(A) of this title is not available to cover a successful third party liability claim because of an insurance policy exclusion the Secretary decides is usual for the type of insurance involved, the Secretary may provide for paying the excluded claims without regard to the limitation contained in section 50914(a)(1).

(3)(A) A person described in this subparagraph is—

- (i) a licensee or transferee under this chapter;
- (ii) a contractor, subcontractor, or customer of the licensee or transferee;
- (iii) a contractor or subcontractor of a customer; or
- (iv) a space flight participant.

(B) Clause (iv) of subparagraph (A) ceases to be effective September 30, 2025.

(b) Notice, Participation, and Approval.—Before a payment under subsection (a) of this section is made—

(1) notice must be given to the Government of a claim, or a civil action related to the claim, against a party described in subsection (a)(1) of this section for death, bodily injury, or property damage or loss;

(2) the Government must be given an opportunity to participate or assist in the defense of the claim or action; and

(3) the Secretary must approve any part of a settlement to be paid out of appropriations of the Government.

(c) Withholding Payments.—The Secretary may withhold a payment under subsection (a) of this section if the Secretary certifies that the amount is not reasonable. However, the Secretary shall deem to be reasonable the amount of a claim finally decided by a court of competent jurisdiction.

(d) Surveys, Reports, and Compensation Plans.—(1) If as a result of an activity carried out under a license issued or transferred under this chapter the total of claims related to one launch or reentry is likely to be more than the amount of required insurance or demonstration of financial responsibility, the Secretary shall—

(A) survey the causes and extent of damage; and

(B) submit expeditiously to Congress a report on the results of the survey.

(2) Not later than 90 days after a court determination indicates that the liability for the total of claims related to one launch or reentry may be more than the required amount of insurance or demonstration of financial responsibility, the President, on the recommendation of the Secretary, shall submit to Congress a compensation plan that—

(A) outlines the total dollar value of the claims;

(B) recommends sources of amounts to pay for the claims;

(C) includes legislative language required to carry out the plan if additional legislative authority is required; and

(D) for a single event or incident, may not be for more than \$1,500,000,000.

(3) A compensation plan submitted to Congress under paragraph (2) of this subsection shall—

(A) have an identification number; and

(B) be submitted to the Senate and the House of Representatives on the same day and when the Senate and House are in session.

(e) Congressional Resolutions.—(1) In this subsection, “resolution”—

(A) means a joint resolution of Congress the matter after the resolving clause of which is as follows: “That the Congress approves the compensation plan numbered \_\_\_\_\_ submitted to the Congress on \_\_\_\_\_ XX, 20\_\_\_\_,” with the blank spaces being filled appropriately; but

(B) does not include a resolution that includes more than one compensation plan.

(2) The Senate shall consider under this subsection a compensation plan requiring additional appropriations or legislative authority not later than 60 calendar days of continuous session of Congress after the date on which the plan is submitted to Congress.

(3) A resolution introduced in the Senate shall be referred immediately to a committee by the President of the Senate. All resolutions related to the same plan shall be referred to the same committee.

(4)(A) If the committee of the Senate to which a resolution has been referred does not report the resolution within 20 calendar days after it is referred, a motion is in order to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of the plan.

(B) A motion to discharge may be made only by an individual favoring the resolution and is highly privileged (except that the motion may

not be made after the committee has reported a resolution on the plan). Debate on the motion is limited to one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order. A motion to reconsider the vote by which the motion is agreed to or disagreed to is not in order.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed and another motion to discharge the committee from another resolution on the same plan may not be made.

(5)(A) After a committee of the Senate reports, or is discharged from further consideration of, a resolution, a motion to proceed to the consideration of the resolution is in order at any time, even though a similar previous motion has been disagreed to. The motion is highly privileged and is not debatable. An amendment to the motion is not in order. A motion to reconsider the vote by which the motion is agreed to or disagreed to is not in order.

(B) Debate on the resolution referred to in subparagraph (A) of this paragraph is limited to not more than 10 hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(6) The following shall be decided in the Senate without debate:

(A) a motion to postpone related to the discharge from committee.

(B) a motion to postpone consideration of a resolution.

(C) a motion to proceed to the consideration of other business.

(D) an appeal from a decision of the chair related to the application of the rules of the Senate to the procedures related to a resolution.

(f) Application.—This section applies to a license issued or transferred under this chapter for which the Secretary receives a complete and valid application not later than September 30, 2025. This section does not apply to permits. (Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1338, § 70113 of Title 49; Pub. L. 104–287, § 5(94), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 105–303, Title I, § 102(a)(13), Oct. 28, 1998, 112 Stat. 2850; Pub. L. 106–74, Title IV, § 433, Oct. 20, 1999, 113 Stat. 1097; Pub. L. 106–377, § 1(a)(1) [Title IV, § 429], Oct. 27, 2000, 114 Stat. 1441, 1441A–56; Pub. L. 106–405, §§ 5(b), 6(a), Nov. 1, 2000, 114 Stat. 1752; Pub. L. 108–428, § 1, Nov. 30, 2004, 118 Stat. 2432; Pub. L. 108–492, § 2(c)(22), (23), Dec. 23, 2004, 118 Stat. 3981; Pub. L. 111–125, § 1, Dec. 28, 2009, 123 Stat. 3486; renumbered § 70113 then § 50915 of Title 51 and amended Pub. L. 111–314, § 4(d)(2), (3)(O), (5)(Q), (R), Dec. 18, 2010, 124 Stat. 3440–3442; Pub. L. 112–273, § 3, Jan. 14, 2013, 126 Stat. 2454; Pub. L. 113–76, § 8, Jan. 17, 2014, 128 Stat. 7; Pub. L. 114–90, Title I, §§ 102(d), 103(a)(2), Nov. 25, 2015, 129 Stat. 706.)