HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70112(a)(1), (2).	49 App.:2615(a)(1)(A) (1st sentence), (B) (1st sentence).	Oct. 30, 1984, Pub. L. 98–575, §16(a), (c), 98 Stat. 3061; restated Nov. 15, 1988, Pub. L. 100–657, §5(a), 102 Stat. 3901, 3905.
70112(a)(3) ..	49 App.:2615(a)(1)(A) (last sentence), (B) (last sentence).	
70112(a)(4) ..	49 App.:2615(a)(2).	
70112(b)(1) ..	49 App.:2615(a)(1)(C).	
70112(b)(2) ..	49 App.:2615(a)(1)(D).	
70112(c)	49 App.:2615(a)(3) (1st, 2d sentences).	
70112(d)(1) ..	49 App.:2615(a)(3) (last sentence).	
70112(d)(2) ..	49 App.:2615(a)(4).	
70112(e)	49 App.:2614(c).	Oct. 30, 1984, Pub. L. 98–575, §15(c), 98 Stat. 3061; restated Nov. 15, 1988, Pub. L. 100–657, §5(b), 102 Stat. 3905.
70112(f)	49 App.:2615(c).	

In subsection (a), the word ''particular'' is omitted as surplus.

In subsection (a)(1), before clause (A), the word ''sufficient'' is omitted as surplus. In clauses (A) and (B), the words ''in connection with any particular launch'' are omitted as surplus.

In subsection (a)(4), before clause (A), the words ''made . . . a requirement described in'' are omitted as surplus.

In subsection (b)(2), the words ''department, agency, and instrumentality of the Government'' are substituted for ''Federal agency'' for consistency in the revised title and with other titles of the United States Code.

In subsection (d)(2), the words ''if appropriate'' are omitted as surplus.

In subsection (f), the words ''department, agency, or instrumentality of the Government'' are substituted for ''Federal agency or department'' for consistency in the revised title and with other titles of the Code. The words ''insurance proceeds or . . . other'' and ''proceeds or other'' are omitted as surplus.

PUB. L. 104–287, § 5(93)

This amends 49:70112(a)(3)(B) to clarify a cross-reference in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1337).

AMENDMENTS

1998—Subsec. (a)(1). Pub. L. 105–303, §102(a)(12)(A), inserted ''launch or reentry'' before ''license is issued''.

Subsec. (a)(3). Pub. L. 105–303, §102(a)(12)(B), inserted ''or reentry'' after ''one launch'' in introductory provisions.

Subsec. (a)(4). Pub. L. 105–303, §102(a)(12)(C), inserted ''or reentry services'' after ''launch services'' in introductory provisions.

Subsec. (b)(1). Pub. L. 105–303, §102(a)(12)(D)–(F), inserted ''launch or reentry'' before ''license issued or transferred'', ''or reentry services'' after ''launch services'', and ''applicable'' after ''carried out under the''.

Subsec. (b)(2). Pub. L. 105–303, §102(a)(12)(E), (F), inserted ''or reentry services'' after ''launch services'' wherever appearing and ''applicable'' after ''carried out under the''.

Subsec. (e). Pub. L. 105–303, §102(a)(12)(G), (H), inserted ''or Reentries'' after ''Launches'' in heading and ''or reentry site or a reentry'' after ''launch site'' in text.

Subsec. (f). Pub. L. 105–303, §102(a)(12)(I), inserted ''launch or reentry'' before ''license issued or transferred''.

1996—Subsec. (a)(3)(B). Pub. L. 104–287, §5(93), substituted ''clause (A)(i) or (ii)'' for ''clause (A)''.

Subsec. (d)(1). Pub. L. 104–287, §5(74), substituted ''Committee on Science'' for ''Committee on Science, Space, and Technology''.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 5(93) of Pub. L. 104–287 effective July 5, 1994, see section 8(1) of Pub. L. 104–287, set out as a note under section 5303 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which the 2nd item on page 133 identifies a reporting provision which, as subsequently amended, is contained in subsec. (d)(1) of this section), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

LIABILITY REGIME FOR COMMERCIAL SPACE TRANSPORTATION

Pub. L. 106–405, §7, Nov. 1, 2000, 114 Stat. 1752, provided that:

''(a) REPORT REQUIREMENT.—Not later than 18 months after the date of the enactment of this Act [Nov. 1, 2000], the Secretary of Transportation shall transmit to the Congress a report on the liability risk-sharing regime in the United States for commercial space transportation.

''(b) CONTENTS.—The report required by this section shall—

''(1) analyze the adequacy, propriety, and effectiveness of, and the need for, the current liability risk-sharing regime in the United States for commercial space transportation;

''(2) examine the current liability and liability risk-sharing regimes in other countries with space transportation capabilities;

''(3) examine the appropriateness of deeming all space transportation activities to be 'ultrahazardous activities' for which a strict liability standard may be applied and which liability regime should attach to space transportation activities, whether ultrahazardous activities or not;

''(4) examine the effect of relevant international treaties on the Federal Government's liability for commercial space launches and how the current domestic liability risk-sharing regime meets or exceeds the requirements of those treaties;

''(5) examine the appropriateness, as commercial reusable launch vehicles enter service and demonstrate improved safety and reliability, of evolving the commercial space transportation liability regime towards the approach of the airline liability regime;

''(6) examine the need for changes to the Federal Government's indemnification policy to accommodate the risks associated with commercial spaceport operations; and

''(7) recommend appropriate modifications to the commercial space transportation liability regime and the actions required to accomplish those modifications.

''(c) SECTIONS.—The report required by this section shall contain sections expressing the views and recommendations of—

''(1) interested Federal agencies, including—

''(A) the Office of the Associate Administrator for Commercial Space Transportation;

''(B) the National Aeronautics and Space Administration;

''(C) the Department of Defense; and

''(D) the Office of Space Commercialization; and

''(2) the public, received as a result of notice in Commerce Business Daily, the Federal Register, and appropriate Federal agency Internet websites.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 70113 of this title; title 42 section 2458c.

§ 70113. Paying claims exceeding liability insurance and financial responsibility requirements

(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 licensee or transferee under this chapter, a contractor, subcontractor, or customer of the licensee or transferee, or a contractor or subcontractor of a customer, 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 70112(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 70112(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 70112(a)(1).

(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 _________ ____, 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.