AMENDMENT TO H.R. 2761, AS REPORTED

OFFERED BY M__. _____

In the matter proposed to be inserted by the amendment made by section 3(a)(1) of the bill, at the end of section 102(1), add the following new subparagraph:

"(F) COMPENSATION SUBJECT TO FURTHER CONGRESSIONAL ACTION.—Notwithstanding any certification of an act under this paragraph as an act of terrorism or an act of NBCR terrorism, Federal compensation under the Program shall be subject to the provisions of section 103(h).

"(G) SUBMISSION OF CERTIFICATION UNDER THIS PARAGRAPH.—Upon any certification under subparagraph (A), the Secretary shall submit such certification to the Congress.".

In the matter proposed to be inserted by the amendment made by section 3(a)(1) of the bill, in section 103(a)(2), before "shall pay" insert ", subject only to subsection (h)(1),".

In the matter proposed to be inserted by the amendment made by section 3(a)(1) of the bill, in section 103(b), redesignate paragraphs (1) through (4) as paragraphs (2) through (5), respectively.

In the matter proposed to be inserted by the amendment made by section 3(a)(1) of the bill, in section 103(b), after "unless—" insert the following new paragraph:

1 "(1) there is enacted a joint resolution for pay-
2 ment of Federal compensation with respect to the
3 act of terrorism that resulted in the insured loss;".

In the matter proposed to be inserted by the amendment made by section 3(a)(1) of the bill, in the matter in section 103(e)(1)(A) that precedes clause (i), after "paid by the Secretary" insert ", subject to subsection (h)(1),".

In the matter proposed to be inserted by the amendment made by section 3(a)(1) of the bill, in the matter in section 103(e)(1)(B)(i) that precedes subclause (II), after "paid by the Secretary" insert ", subject to subsection (h)(1),".

In the matter proposed to be inserted by the amendment made by section 3(a)(1) of the bill, in section

103(e)(1)(C), after "paid" insert ", pursuant to subsection (h)(1),".

In the matter proposed to be inserted by the amendment made by section 3(a)(1) of the bill, in section 103(e)(1)(D), after "paid" insert ", pursuant to subsection (h)(1),".

In the matter proposed to be inserted by the amendment made by section 3(a)(1) of the bill, strike subparagraph (A) of section 103(e)(3) and insert the following:

1 "(A) LIMITATION.—Notwithstanding any
2 other provision of Federal or State law, includ-
3 ing any State workers' compensation or other
4 compulsory insurance law, an insurer's financial
5 responsibility for insured losses from acts of
6 terrorism shall be limited as follows:
7 "(i) FEDERAL COMPENSATION NOT
8 PROVIDED.—In any case of an act of ter-
9 rorism with respect to which there has not
10 been enacted a joint resolution for pay-
11 ment of Federal compensation described in
12 subsection (h)(2), an insurer's financial re-
13 sponsibility for insured losses from such
14 act of terrorism shall be limited to its ap-
15 plicable insurer deductible.

1 "(ii) FEDERAL COMPENSATION PRO-
2 VIDED.— In any case of an act of ter-
3 rorism with respect to which there has
4 been enacted a joint resolution for pay-
5 ment of Federal compensation described in
6 subsection (h)(2), an insurer's financial re-
7 sponsibility for insured losses from such
8 act of terrorism shall be limited to—
9 "(I) its applicable insurer deduct-
10 ible; and
11 "(II) its applicable share of in-
12 sured losses that exceed its applicable
13 insurer deductible, subject to the re-
14 quirements of paragraph (2).".

In the matter proposed to be inserted by the amendment made by section 3(a)(1) of the bill, in section 103(e)(3)(B), strike "Notwithstanding" and insert "In the case of any act of terrorism with respect to which there has been enacted a joint resolution for payment of Federal compensation described in subsection (h)(2) and notwithstanding".

In the matter proposed to be inserted by the amendment made by section 3(a)(1) of the bill, at the end of section 103(e)(3) add the following new subparagraph:

1 "(E) FEDERAL COURT JURISDICTION AND
2 VENUE IN CASES OF NO FEDERAL COMPENSA-
3 TION.—In the case of any act of terrorism with
4 respect to which there has not been enacted a
5 joint resolution for payment of Federal com-
6 pensation described in subsection (h)(2)—
7 "(i) all claims relating to or arising
8 out of an insurer's financial responsibility
9 for insured losses from such act of ter-
10 rorism shall be within the original and ex-
11 clusive jurisdiction of the district courts of
12 the United States, in accordance with the
13 procedures established in clause (iii);
14 "(ii) all pending State court actions
15 that relate to or arise out of an insurer's
16 financial responsibility for insured losses
17 from such act of terrorism shall be re-
18 moved to a district court of the United
19 States in accordance with clause (iii); and
20 "(iii) not later than 90 days after the
21 Secretary's certification of such act of ter-
22 rorism, the Judicial Panel on Multidistrict
23 Litigation shall designate one district court
24 or, if necessary, multiple district courts of
25 the United States that shall have original

1 and exclusive jurisdiction over all actions
2 for any claim relating to or arising out of
3 an insurer's financial responsibility for in-
4 sured losses from such act of terrorism.".

In the matter proposed to be inserted by the amendment made by section 3(a)(1) of the bill, in the first sentence of section 103(e)(4)(F), after "to the effect that" insert the following: ", in the case of any act of terrorism with respect to which there has been enacted a joint resolution for payment of Federal compensation described in subsection (h)(2),".

In the matter proposed to be inserted by the amendment made by section 3(a)(1) of the bill, after the period at the end of section 103(e)(4)(F) insert the following: "All policies for property and casualty insurance and group life insurance shall be deemed to contain, and insurers shall be permitted to include in their policies, a provision to the effect that, in the case of insured losses resulting from any act of terrorism with respect to which there has not been enacted a joint resolution for payment of Federal compensation described in subsection (h)(2), no insurer shall be obligated to pay for any portion of any such insured losses that exceeds its applicable insurer deductible.".

Page 56, line 5, strike the closing quotation mark and the semicolon at the end.

Page 56, after line 5, insert the following new subsection:

1 "(h) PRIVILEGED PROCEDURE FOR JOINT RESOLU-
2 TION FOR PAYMENT OF FEDERAL COMPENSATION.—
3 "(1) IN GENERAL.—The Secretary shall pay the
4 Federal share of compensation under the Program
5 for insured losses resulting from an act of terrorism
6 only if there is enacted a joint resolution for pay-
7 ment of Federal compensation with respect to such
8 act of terrorism.
9 "(2) JOINT RESOLUTION.—For purposes of this
10 subsection, the term 'joint resolution for payment of
11 Federal compensation' means a joint resolution
12 that—
13 "(A) does not have a preamble;
14 "(B) the matter after the resolving clause
15 of which is as follows: 'That the Congress ap-
16 proves of the certification by the Secretary of
17 the Treasury under section 102(1)(A) of the
18 Terrorism Risk Insurance Act of 2002.'; and
19 "(C) the title of which is as follows: 'To
20 permit Federal compensation under the Ter-
21 rorism Risk Insurance Act of 2002'.

1 "(3) INTRODUCTION AND REFERRAL.—Upon
2 receipt of a submission under section 102(1)(G), the
3 joint resolution described in this subsection shall be
4 introduced by the majority leader of each House or
5 his designee (by request). In the case in which a
6 House is not in session, such joint resolution shall
7 be so introduced upon convening the first day of ses-
8 sion after the date of receipt of the certification.
9 Upon introduction, the joint resolution shall be re-
10 ferred to the appropriate calendar in each House.
11 "(4) CONSIDERATION IN THE HOUSE OF REP-
12 RESENTATIVES.—
13 "(A) PROCEEDING TO CONSIDERATION.—
14 Upon referral to the appropriate calendar, it
15 shall be in order to move to proceed to consider
16 the joint resolution in the House. Such a mo-
17 tion shall be in order only at a time designated
18 by the Speaker in the legislative schedule within
19 two legislative days. The previous question shall
20 be considered as ordered on the motion to its
21 adoption without intervening motion. A motion
22 to reconsider the vote by which the motion is
23 disposed of shall not be in order.
24 "(B) CONSIDERATION.—The joint resolu-
25 tion shall be considered as read. All points of

1 order against the joint resolution and against
2 its consideration are waived. The previous ques-
3 tion shall be considered as ordered on the joint
4 resolution to its passage without intervening
5 motion except one hour of debate equally di-
6 vided and controlled by a proponent and an op-
7 ponent and one motion to limit debate on the
8 joint resolution. A motion to reconsider the vote
9 on passage of the joint resolution shall not be
10 in order.
11 "(5) CONSIDERATION IN THE SENATE.—
12 "(A) PROCEEDING.—Upon introduction,
13 the joint resolution shall be placed on the Cal-
14 endar of Business, General Orders. A motion to
15 proceed to the consideration of the joint resolu-
16 tion shall be in order at any time. The motion
17 is privileged and not debatable. A motion to
18 proceed to consideration of the joint resolution
19 may be made even though a previous motion to
20 the same effect has been disagreed to. An
21 amendment to the motion shall not be in order,
22 nor shall it be in order to move to reconsider
23 the vote by which the motion is agreed to.
24 "(B) DEBATE.—Debate on the joint reso-
25 lution, and all debatable motions and appeals in

1 connection therewith, shall be limited to not
2 more than ten hours. The time shall be equally
3 divided between and controlled by, the majority
4 leader and the minority leader or their des-
5 ignees.
6 "(C) DEBATABLE MOTIONS AND AP-
7 PEALS.—Debate on any debatable motion or
8 appeal in relation to the joint resolution shall be
9 limited to not more than one hour from the
10 time allotted for debate, equally divided and
11 controlled by the majority leader and the minor-
12 ity leader or their designees.
13 "(D) MOTION TO LIMIT DEBATE.—A mo-
14 tion to further limit debate is not debatable.
15 "(E) MOTION TO RECOMMIT.—Any motion
16 to commit or recommit the joint resolution shall
17 not be in order.
18 "(F) FINAL PASSAGE.—The Chair shall
19 put the question on final passage of the joint
20 resolution no later than 72 hours from the time
21 the measure is introduced.
22 "(6) AMENDMENTS PROHIBITED.—No amend-
23 ment to, or motion to strike a provision from, a joint
24 resolution considered under this subsection shall be

1 in order in either the Senate or the House of Rep-
2 resentatives.
3 "(7) CONSIDERATION BY THE OTHER HOUSE.—
4 In the case of a joint resolution described in this
5 subsection, if before passage by one House of a joint
6 resolution of that House, that House receives such
7 joint resolution from the other House, then—
8 "(A) the procedure in that House shall be
9 the same as if no joint resolution had been re-
10 ceived from the other House; but
11 "(B) the vote on final passage shall be on
12 the joint resolution of the other House.
13 "(8) HOUSE AND SENATE RULEMAKING.—This
14 subsection is enacted by the Congress as an exercise
15 of the rulemaking power of the House of Represent-
16 atives and Senate, respectively, and as such is
17 deemed a part of the rules of each House, respec-
18 tively, and such procedures supersede other rules
19 only to the extent that they are inconsistent with
20 such rules; and with full recognition of the constitu-
21 tional right of either House to change the rules (so
22 far as relating to the procedures of that House) at
23 any time, in the same manner, and to the same ex-
24 tent as any other rule of that House.";

In the matter proposed to be inserted by the amendment made by section 4(1) of the bill, in section 106A(b)(1), strike "section 106(b)(2)" and insert section "106(b)(3)".