

§ 50.1

Subpart H—Recoupment and Surcharge Procedures

- 50.70 Mandatory and discretionary recoupment.
- 50.71 Determination of recoupment amounts.
- 50.72 Establishment of Federal Terrorism Policy Surcharge.
- 50.73 Notification of recoupment.
- 50.74 Collecting the surcharge.
- 50.75 Remitting the surcharge.
- 50.76 Insurer responsibility.

Subpart I—Federal cause of action; Approval of settlements

- 50.80 Federal cause of action and remedy.
- 50.81 State causes of action preempted.
- 50.82 Advance approval of settlements.
- 50.83 Procedure for requesting approval of proposed settlements.
- 50.84 Subrogation.
- 50.85 Amendment related to settlement approval.

Subpart J—Cap on Annual Liability

- 50.90 Cap on annual liability.
- 50.91 Notice to Congress.
- 50.92 Determination of *pro rata* share.
- 50.93 Application of *pro rata* share.
- 50.94 Data call authority.
- 50.95 Final amount.

AUTHORITY: 5 U.S.C. 301; 31 U.S.C. 321; Title I, Pub. L. 107-297, 116 Stat. 2322, as amended by Pub. L. 109-144, 119 Stat. 2660 and Pub. L. 110-160, 121 Stat. 1839 (15 U.S.C. 6701 note).

SOURCE: 68 FR 9811, Feb. 28, 2003, unless otherwise noted.

Subpart A—General Provisions

§ 50.1 Authority, purpose and scope.

(a) *Authority.* This part is issued pursuant to authority in Title I of the Terrorism Risk Insurance Act of 2002, Public Law 107-297, 116 Stat. 2322, as amended by the Terrorism Risk Insurance Extension Act of 2005, Public Law 109-144, 119 Stat. 2660, and the Terrorism Risk Insurance Program Reauthorization Act of 2007, Public Law 110-160, 121 Stat. 1839.

(b) *Purpose.* This Part contains rules prescribed by the Department of the Treasury to implement and administer the Terrorism Risk Insurance Program.

31 CFR Subtitle A (7-1-11 Edition)

(c) *Scope.* This Part applies to insurers subject to the Act and their policyholders.

[68 FR 9811, Feb. 28, 2003, as amended at 71 FR 27569, May 11, 2006; 73 FR 53363, Sept. 16, 2008]

§ 50.2 Responsible office.

The office responsible for the administration of the Terrorism Risk Insurance Act in the Department of the Treasury is the Terrorism Risk Insurance Program Office. The Treasury Assistant Secretary for Financial Institutions prescribes the regulations under the Act.

[68 FR 41264, July 11, 2003.]

§ 50.4 Mandatory participation in Program.

Any entity that meets the definition of an insurer under the Act is required to participate in the Program.

§ 50.5 Definitions.

For purposes of this Part:

(a) *Act* means the Terrorism Risk Insurance Act of 2002.

(b) *Act of terrorism*—(1) *In general.* The term *act of terrorism* means any act that is certified by the Secretary, in concurrence with the Secretary of State and the Attorney General of the United States:

(i) To be an act of terrorism;

(ii) To be a violent act or an act that is dangerous to human life, property, or infrastructure;

(iii) To have resulted in damage within the United States, or outside of the United States in the case of:

(A) An air carrier (as defined in 49 U.S.C. 40102) or a United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States); or

(B) The premises of a United States mission; and

(iv) To have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.