

118TH CONGRESS
2D SESSION

H. R. 8440

To waive the statute of limitations for cases against the government related to the General Motors bailout that were filed on or before July 9, 2015, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2024

Mr. MOORE of Alabama (for himself and Mr. CARTER of Louisiana) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To waive the statute of limitations for cases against the government related to the General Motors bailout that were filed on or before July 9, 2015, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Auto Bailout Accident
5 Victims Recovery Act of 2024”.

1 **SEC. 2. SETTLEMENT OF ACCIDENT VICTIM LITIGATION RE-**
2 **LATED TO THE GENERAL MOTORS BAILOUT;**
3 **WAIVER OF STATUTE OF LIMITATIONS.**

4 (a) Any eligible civil action arising from the filing of
5 an eligible complaint alleging a violation of the takings
6 clause of amendment V to the United States Constitution
7 is not subject to any statute of limitations.

8 (b) The United States shall pay just compensation
9 to an eligible claimant, consistent with amendment V to
10 the Constitution of the United States, to resolve an eligible
11 claim. Just compensation payments to eligible claimants
12 shall be made pursuant to section 1304 of title 31, United
13 States Code.

14 (c) If a settlement agreement has not been submitted
15 to the court presiding over an eligible complaint within
16 30 days after the date of enactment of this Act, the Attor-
17 ney General shall submit a report to Congress describing
18 the reasons why a settlement agreement was not reached
19 with counsel of record to an eligible complaint.

20 **SEC. 3. DEFINITIONS.**

21 For purposes of this Act, the following definitions
22 shall apply:

23 (1) The term “eligible claim” means a claim as-
24 serted in an eligible complaint on behalf of all eligi-
25 ble claimants.

1 (2) The term “eligible claimant” means a plain-
2 tiff, class member, or putative class member in re-
3 spect of the eligible complaint who holds an eligible
4 claim and who filed a proof of claim in the bank-
5 ruptcy case captioned *In re Motors Liquidation*
6 *Company, et al.*, No. 09–50026 (Bankr. S.D.N.Y),
7 based on death or personal injuries that were caused
8 by or attributable to alleged defects in motor vehi-
9 cles designed for operation on public roadways, or by
10 the component parts of such motor vehicles, and in
11 each case, manufactured, sold, or delivered by Gen-
12 eral Motors Corporation or any of its subsidiaries on
13 or before June 1, 2009.

14 (3) The term “eligible complaint” means the
15 complaint filed with the United States Court of Fed-
16 eral Claims by or on behalf of eligible claimants on
17 July 9, 2015, captioned *Campbell, et al., v. United*
18 *States*, No. 15–717, alleging violation by the United
19 States of amendment V to the Constitution in con-
20 nection with the acquisition on July 10, 2009, by
21 NGMCO, Inc., a United States Treasury-sponsored
22 entity, of substantially all the assets of General Mo-
23 tors Corporation.

24 (4) The term “just compensation” means pay-
25 ment of a lump-sum amount equal to the sum of—

1 (A) 2.5 times the “allowed amount” listed
2 on the final claims register filed on June 3,
3 2021, in the In re Motors Liquidation Company
4 bankruptcy case in respect of a proof of claim
5 filed by or on behalf of an eligible claimant,
6 plus

7 (B) interest thereon, plus

8 (C) reasonable court-approved fees and
9 costs to counsel of record on the eligible com-
10 plaint, all without offset of any kind.

11 Interest shall accrue on all eligible claims from July
12 10, 2009, to the effective date of settlement at a
13 rate of three and one-half percent (3.5 percent) per
14 annum, compounded quarterly.

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