

AMENDMENT TO H.R. 2983
OFFERED BY MR. NORWOOD

Page 6, line 6, strike "950,000" and insert
"1,300,000".

AMENDMENT OFFERED BY _____
TO THE AMENDMENT OFFERED BY MR. WAXMAN

On line 1, strike “**DETERMINATION**” and insert
“**CONSULTATION**”.

Strike all after line 4 and insert the following:

1 “v. UNREASONABLE RISK CONSULTATION.—Before
2 entering into an agreement of indemnification under this
3 section with respect to a utilization facility, the Nuclear
4 Regulatory Commission shall consult with the Assistant
5 to the President for Homeland Security (or any successor
6 official) concerning whether the location of the proposed
7 facility and the design of that type of facility ensure that
8 the facility provides for adequate protection of public
9 health and safety if subject to a terrorist attack.”.

AMENDMENT TO H.R. 2983
OFFERED BY MR. DINGELL AND MR. TAUZIN

At the end of the bill, insert the following new sections

1 **SEC. 11. FINANCIAL ACCOUNTABILITY.**

2 (a) AMENDMENT.—Section 170 of the Atomic En-
3 ergy Act of 1954 (42 U.S.C. 2210) is amended by adding
4 at the end the following new subsection:

5 "v. FINANCIAL ACCOUNTABILITY.—(1) Notwith-
6 standing subsection d., the Attorney General may bring
7 an action in the appropriate United States district court
8 to recover from a contractor of the Secretary (or subcon-
9 tractor or supplier of such contractor) amounts paid by
10 the Federal Government under an agreement of indem-
11 nification under subsection d. for public liability resulting
12 from conduct which constitutes intentional misconduct of
13 any corporate officer, manager, or superintendent of such
14 contractor (or subcontractor or supplier of such con-
15 tractor).

16 "(2) The Attorney General may recover under para-
17 graph (1) an amount not to exceed the amount of the prof-
18 it derived by the defendant from the contract.

19 "(3) No amount recovered from any contractor (or
20 subcontractor or supplier of such contractor) under para-



1 graph (1) may be reimbursed directly or indirectly by the
2 Department of Energy.

3 “(4) Paragraph (1) shall not apply to any nonprofit
4 entity conducting activities under contract for the Sec-
5 retary.

6 “(5) No waiver of a defense required under this sec-
7 tion shall prevent a defendant from asserting such defense
8 in an action brought under this subsection.

9 “(6) The Secretary shall, by rule, define the terms
10 ‘profit’ and ‘nonprofit entity’ for purposes of this sub-
11 section. Such rulemaking shall be completed not later than
12 180 days after the date of the enactment of this sub-
13 section.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall not apply to any agreement of indem-
16 nification entered into under section 170 d. of the Atomic
17 Energy Act of 1954 (42 U.S.C. 2210(d)) before the date
18 of the enactment of this Act.

19 **SEC. 12. CIVIL PENALTIES.**

20 (a) REPEAL OF AUTOMATIC REMISSION.—Section
21 234A b. (2) of the Atomic Energy Act of 1954 (42 U.S.C.
22 2282a(b)(2)) is amended by striking the last sentence.

23 (b) LIMITATION FOR NONPROFIT INSTITUTIONS.—
24 Subsection d. of section 234A of the Atomic Energy Act



1 of 1954 (42 U.S.C. 2282a(d)) is amended to read as fol-
2 lows:

3 . . . "d. Notwithstanding subsection a., a contractor, sub-
4 contractor, or supplier described in section 501(c)(3) of
5 the Internal Revenue Code of 1986 and exempt from tax
6 under section 501(a) of such Code shall not be subject
7 to a civil penalty for a violation under subsection a. in
8 excess of the amount of any discretionary fee paid to such
9 contractor, subcontractor, or supplier under the contract
10 under which such violation occurs."

11 (c) EFFECTIVE DATE.—The amendments made by
12 this Act shall not apply to any violation of the Atomic En-
13 ergy Act of 1954 occurring under a contract entered into
14 before the date of the enactment of this Act.



AMENDMENT TO H.R. 2983
OFFERED BY MR. STRICKLAND

At the end of the bill, add the following new section:

1 **SEC. 11. INDUSTRIAL SAFETY RULES FOR DEPARTMENT OF**
2 **ENERGY NUCLEAR FACILITIES.**

3 Section 170 d. of the Atomic Energy Act of 1954 (42
4 U.S.C. 2210(d)) is amended by adding at the end the fol-
5 lowing new paragraph:

6 “(8)(A) It shall be a condition of any agreement of
7 indemnification entered into under this subsection that the
8 indemnified party comply with regulations issued under
9 this paragraph.

10 “(B) Not later than 180 days after the date of the
11 enactment of this paragraph, the Secretary shall issue in-
12 dustrial health and safety regulations that shall apply to
13 all Department of Energy contractors and subcontractors
14 who are covered under agreements entered into under this
15 subsection for operations at Department of Energy nu-
16 clear facilities. Such regulations shall provide a level of
17 protection of worker health and safety that is substantially
18 equivalent to or identical to that provided by the industrial
19 and construction safety regulations of the Occupational
20 Safety and Health Administration (29 CFR 1910 and
21 1925), and shall establish civil penalties for violation

1 thereof that are substantially equivalent to or identical to
2 the civil penalties applicable to violations of the industrial
3 and construction safety regulations of the Occupational
4 Safety and Health Administration. The Secretary shall
5 amend regulations under this subparagraph as necessary.

6 “(C) Not later than 240 days after the date of the
7 enactment of this paragraph, all agreements described in
8 subparagraph (B), and all contracts and subcontracts for
9 the indemnified contractors and subcontractors, shall be
10 modified to incorporate the requirements of the regula-
11 tions issued under subparagraph (B). Such modifications
12 shall require compliance with the requirements of the reg-
13 ulations not later than 1 year after the issuance of the
14 regulations.

15 “(D) Enforcement of regulations issued under sub-
16 paragraph (B), and inspections required in the course
17 thereof, shall be conducted by the Office of Enforcement
18 of the Office of Environment, Safety, and Health of the
19 Department of Energy. The Secretary shall transmit to
20 the Congress an annual report on the implementation of
21 this subparagraph.”.

AMENDMENT TO H.R. 2983
OFFERED BY MR. MARKEY

At the end of the bill, insert the following new section:

1 **SEC. 11. INSURANCE DENIAL REQUIREMENT.**

2 Section 170 of the Atomic Energy Act of 1954 (42
3 U.S.C. 2210) is amended by adding at the end the following new subsection:

4
5 "v. INSURANCE DENIAL REQUIREMENT.—This section shall not apply to a utilization facility for which an
6 application for a license under this Act is first submitted
7 after the date of the enactment of this subsection unless
8 the application provides evidence satisfactory to the Nuclear
9 Regulatory Commission that the applicant has
10 sought insurance coverage from the private insurance
11 market to cover the risk of nuclear accidents, and has been
12 denied such coverage."

AMENDMENT TO H.R. 2983
OFFERED BY MR. GORDON

Page 1, line 11, strike "2017" and insert "2012".

Page 1, line 16, strike "2017" and insert "2012".

Page 1, line 21, strike "2017" and insert "2012".

Page 4, line 25, strike "2013" and insert "2008".

AMENDMENT TO H.R. 2983
OFFERED BY MR. DEUTSCH

At the end of the bill, insert the following new section:

1 **SEC. 11. SECURITY AT FACILITIES.**

2 Section 170 of the Atomic Energy Act of 1954 (42
3 U.S.C. 2210) is amended by adding at the end the fol-
4 lowing new subsection:

5 "v. SECURITY AT FACILITIES.—In order to minimize
6 the risk of an incident requiring indemnification under
7 this section, the Nuclear Regulatory Commission shall em-
8 ploy, train, and provide such security personnel as may
9 be necessary to protect facilities indemnified under this
10 section to the extent that the responsibility of the facilities
11 for such protection is increased after the date of the enact-
12 ment of this subsection."

