

I urge my colleagues to join us in supporting passage of this important resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2983. Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. SMITH, of New Hampshire, Mr. DOMENICI, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. HAGEL, Mr. CRAPO, Mr. THOMAS, Mr. INHOFE, Mr. THOMPSON, Mr. BOND, Mr. CAMPBELL, Mr. FRIST, Mr. KYL, Mr. CRAIG, Mrs. LINCOLN, Mr. HUTCHINSON, and Mr. SESSIONS) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 2984. Mr. REID proposed an amendment to amendment SA 2983 proposed by Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. SMITH of New Hampshire, Mr. DOMENICI, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. HAGEL, Mr. CRAPO, Mr. THOMAS, Mr. INHOFE, Mr. THOMPSON, Mr. BOND, Mr. CAMPBELL, Mr. FRIST, Mr. KYL, Mr. CRAIG, Mrs. LINCOLN, Mr. HUTCHINSON, and Mr. SESSIONS) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 2985. Mr. BUNNING (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 2986. Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. BOND, Mr. BREAU, Mr. CAMPBELL, Mr. CONRAD, Mr. DORGAN, Mr. INHOFE, Ms. LANDRIEU, Mrs. LINCOLN, Mr. THOMAS, Mr. SESSIONS, Mr. ROCKEFELLER, Mr. ENZI, Mr. MURKOWSKI, Mr. NICKLES, Mr. HUTCHINSON, and Mr. VOINOVICH) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 2987. Mr. CRAIG proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 2988. Mr. MURKOWSKI proposed an amendment to amendment SA 2979 proposed by Mr. MCCAIN (for himself, Mr. HOLLINGS, Mrs. MURRAY, Mr. BINGAMAN, Mr. BREAU, Mr. SMITH of Oregon, Mr. DOMENICI, Mrs. HUTCHINSON, and Mr. WYDEN) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 2989. Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 2990. Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 2991. Mr. BINGAMAN (for Mr. AKAKA) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

TEXT OF AMENDMENTS

SA 2983. Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. SMITH of New Hampshire, Mr. DOMENICI, Ms.

LANDRIEU, Mr. MURKOWSKI, Mr. HAGEL, Mr. CRAPO, Mr. THOMAS, Mr. INHOFE, Mr. THOMPSON, Mr. BOND, Mr. CAMPBELL, Mr. FRIST, Mr. KYL, Mr. CRAIG, Mrs. LINCOLN, Mr. HUTCHINSON, and Mr. SESSIONS) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 115, strike line 5 and all that follows through page 119, line 10 and insert the following:

Subtitle A—Price-Anderson Act Reauthorization

SEC. 501. SHORT TITLE.

This subtitle may be cited as the “Price-Anderson Amendments Act of 2002”.

SEC. 502. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking “LICENSEES” and inserting “LICENSEES”; and

(2) by striking “August 1, 2002” each place it appears and inserting “August 1, 2012”.

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking “, until August 1, 2002,”.

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking “August 1, 2002” each place it appears and inserting “August 1, 2012”.

SEC. 503. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

“(2) In agreements of indemnification entered into under paragraph (1), the Secretary—

“(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

“(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of \$10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with such contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.”.

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

“(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of the enactment of the Price-Anderson Amendments Act of 2002, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.”.

(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended

(1) by striking “the maximum amount of financial protection required under subsection b. or”; and

(2) by striking “paragraph (3) of subsection d., whichever amount is more” and inserting “paragraph (2) of subsection d.”.

SEC. 504. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking “\$100,000,000” and inserting “\$500,000,000”.

(b) LIABILITY LIMIT.—Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking “\$100,000,000” and inserting “\$500,000,000”.

SEC. 505. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking “August 1, 1998” and inserting “August 1, 2008”.

SEC. 506. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

“(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2002, in accordance with the aggregate percentage change in the Consumer Price Index since—

“(A) that date, in the case of the first adjustment under this paragraph; or

“(B) the previous adjustment under this paragraph.”.

SEC. 507. CIVIL PENALTIES.

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

(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

“d. (1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties assessed under subsection a. may not exceed the total amount of fees paid within any one-year period (as determined by the Secretary) under the contract under which the violation occurs.

“(2) For purposes of this section, the term ‘not-for-profit’ means that no part of the net earnings of the contractor, subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.

SEC. 508. TREATMENT OF MODULAR REACTORS.

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

“(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

“(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.”.

SEC. 509. EFFECTIVE DATE.

The amendments made by sections 503(a) and 504 do not apply to any nuclear incident

that occurs before the date of the enactment of this subtitle.

SA 2984. Mr. REID proposed an amendment to amendment SA 2983 proposed by Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. SMITH of New Hampshire, Mr. DOMENICI, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. HAGEL, Mr. CRAPO, Mr. THOMAS, Mr. INHOFE, Mr. THOMPSON, Mr. BOND, Mr. CAMPBELL, Mr. FRIST, Mr. KYL, Mr. CRAIG, Mrs. LINCOLN, Mr. HUTCHINSON, and Mr. SESSIONS) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

In lieu of the matter to be inserted, insert the following:
SEC. 5. FINANCIAL PROTECTION FOR LICENSEES.

(a) **STANDARD DEFERRED PREMIUM.**—Section 170b.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)(1)) is amended in the third sentence by striking “\$63,000,000 (subject to adjustment for inflation under subsection t.), but not more than \$10,000,000 in any 1 year” and inserting “\$88,000,000 (subject to adjustment for inflation under subsection t.), but not more than \$20,000,000 in any 1 year (subject to adjustment for inflation under subsection t.)”.

(b) **FINANCIAL HARDSHIP.**—Section 170b.(2)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)(2)(A)) is amended by striking “paragraph (1)” and all that follows and inserting “paragraph (1) for any facility if more than 1 nuclear incident occurs in any 1 calendar year.”.

(c) **NEW LICENSEES.**—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) by striking “The Commission” and inserting the following:

“(1) LICENSES ISSUED ON OR BEFORE AUGUST 1, 2002.—The Commission”; and

(2) by adding at the end the following:

“(2) LICENSES ISSUED AFTER AUGUST 1, 2002.—After August 1, 2002, as a condition to receiving a license for a utilization facility under this Act, the applicant, before receiving the license, shall obtain insurance coverage from the private insurance market for the full potential liability (including the public liability and any other liability) of the person that might arise as a result of a nuclear incident at the utilization facility.”.

SEC. 5. GUARANTEE OF DEFERRED PREMIUM; FINANCIAL QUALIFICATIONS.

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

“(5) **GUARANTEE OF DEFERRED PREMIUM.**—

“(A) **CONDITION OF INDEMNIFICATION.**—Not later than 180 days after the date of enactment of this paragraph, and not less frequently than each year thereafter, the Commission, in consultation with the Securities and Exchange Commission, shall, as a condition of indemnification, require each licensee to demonstrate that the licensee has the financial ability to pay the full potential retrospective premium for each reactor through 1 or more of—

- “(i) a surety bond;
- “(ii) a letter of credit or loan;
- “(iii) an insurance policy; or
- “(iv) maintenance of an escrow deposit of government securities in reserves, a trust, or an equivalent instrument.

“(B) **REORGANIZATION PROCEEDINGS.**—If a licensee or creditors of a licensee file a peti-

tion under chapter 11 of title 11, United States Code, for reorganization of the licensee, the Commission—

“(i) shall review the ability of the licensee to—

“(I) pay the full amount of prospective and standard deferred premiums; and

“(II) ensure that adequate funds will be available for safe operation of the licensed facility; and

“(ii) if the Commission determines that the licensee is unable to meet the requirements of clause (i), shall not renew any indemnification of the licensee under this section.

“(6) **FINANCIAL QUALIFICATIONS.**—

“(A) **IN GENERAL.**—The Commission, in consultation with the Securities and Exchange Commission, shall establish criteria and procedures for determination of the minimum financial qualifications for new licensees (including license transferees) to ensure that the new licensee has the resources and instruments necessary to—

“(i) operate safely if it becomes necessary to shut down a reactor for 12 months or longer; and

“(ii) ensure payment of prospective and deferred premiums under this subsection.

“(B) **CONDITION.**—A license shall be conditioned on meeting and maintaining the minimum financial qualifications established under subparagraph (A).”.

SEC. 5. PRESIDENTIAL COMMISSION ON INCIDENT CONSEQUENCES.

Section 170(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(1)) is amended—

(1) in paragraph (1), by striking “1988” and inserting “2002”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “not less than 7 and not more than 11 members” and inserting “6, 8, 10, or 12 members”; and

(B) in subparagraph (B), by striking “not more than a mere majority of the members are of the same political party” and inserting “there are equal numbers of members of each major political party”; and

(3) by striking paragraph (3) and inserting the following:

“(3) **DUTIES.**—

“(A) **IN GENERAL.**—The study commission shall conduct a comprehensive study of the economic, public health, and environmental impacts of nuclear incidents that may result in a full breach of containment and uncontained meltdown at a facility built in accordance with an existing design or a proposed design.

“(B) **INPUTS.**—The matters to be studied under subparagraph (A) include—

“(i) for each existing and proposed facility—

- “(I) the public health effects; and
- “(II) the economic costs attributable to public health effects, property damage, environmental damage, and evacuation and resettlement of affected populations; of a worst-case nuclear incident; and

“(ii) the ability of the licensee of each existing or proposed facility to pay the standard deferred premium for a potential occurrence at each covered facility of the licensee and at a facility that is not covered by the licensee.

“(C) **SENSITIVITY ANALYSIS.**—

“(i) **IN GENERAL.**—In studying the matters under subparagraph (B)(i), the study commission shall conduct a sensitivity analysis based on various modeling input assumptions to determine the maximum potential consequences of a worst-case nuclear incident.

“(ii) **ASSUMPTIONS.**—The assumptions on which the sensitivity analysis is based shall include assumptions regarding—

- “(I) nuclear incident scenarios;
- “(II) weather patterns;

“(III) traffic patterns; and

“(IV) human behavior that may have an effect on evacuation of persons threatened by a nuclear incident.”.

SEC. 5. ACTS OF TERRORISM.

Section 11q. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(q)) is amended—

(1) by striking “q. The term” and inserting the following:

“q. **NUCLEAR INCIDENT.**—

“(1) **IN GENERAL.**—The term”; and

(2) by adding at the end the following:

“(2) **OCCURRENCES.**—

“(A) **IN GENERAL.**—In paragraph (1), the term ‘occurrence’ includes an act that the President determines to have been an act of domestic terrorism or international terrorism (as those terms are defined in section 2331 of title 18, United States Code).

“(B) **NO JUDICIAL REVIEW.**—A determination of the President under subparagraph (A) shall not be subject to judicial review.”.

SEC. 5. TREATMENT OF NUCLEAR REACTOR FINANCIAL OBLIGATIONS.

Section 523 of title 11, United States Code, is amended by adding at the end the following:

“(f) **TREATMENT OF NUCLEAR REACTOR FINANCIAL OBLIGATIONS.**—Notwithstanding any other provision of this title—

“(1) any funds or other assets held by a licensee or former licensee of the Nuclear Regulatory Commission, or by any other person, to satisfy the responsibility of the licensee, former licensee, or any other person to comply with a regulation or order of the Nuclear Regulatory Commission governing the decontamination and decommissioning of a nuclear power reactor licensed under section 103 or 104b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)) shall not be used to satisfy the claim of any creditor in any proceeding under this title, other than a claim resulting from an activity undertaken to satisfy that responsibility, until the decontamination and decommissioning of the nuclear power reactor is completed to the satisfaction of the Nuclear Regulatory Commission;

“(2) obligations of licensees, former licensees, or any other person to use funds or other assets to satisfy a responsibility described in paragraph (1) may not be rejected, avoided, or discharged in any proceeding under this title or in any liquidation, reorganization, receivership, or other insolvency proceeding under Federal or State law; and

“(3) private insurance premiums and standard deferred premiums held and maintained in accordance with section 170b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) shall not be used to satisfy the claim of any creditor in any proceeding under this title, until the indemnification agreement executed in accordance with section 170c. of that Act (42 U.S.C. 2210(c)) is terminated.”.

SA 2985. Mr. BUNNING (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INDUSTRIAL SAFETY RULES FOR DEPARTMENT OF ENERGY NUCLEAR FACILITIES.

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