

.....  
(Original Signature of Member)

107TH CONGRESS  
1ST SESSION

**H. R.** 2983

---

IN THE HOUSE OF REPRESENTATIVES

Mrs. WILSON (for herself, Mr. BARTON of Texas, Mr. NORWOOD, Mrs. TAUSCHER, Mr. FOSSELLA, Mr. BLUNT, Mr. BURR of North Carolina, and Mr. WELLER) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

---

**A BILL**

To extend indemnification authority under section 170 of the Atomic Energy Act of 1954, 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 "Price-Anderson Reau-  
5 thorization Act of 2001".



1 **SEC. 2. EXTENSION OF INDEMNIFICATION AUTHORITY.**

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

5 (1) in the subsection heading, by striking “LI-  
6 CENSES” and inserting “LICENSEES”; and

7 (2) by striking “August 1, 2002” each place it  
8 appears and inserting “August 1, 2017”.

9 (b) INDEMNIFICATION OF DEPARTMENT OF ENERGY  
10 CONTRACTORS.—Section 170 d.(1)(A) of the Atomic En-  
11 ergy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended  
12 by striking “August 1, 2002” and inserting “August 1,  
13 2017”.

14 (c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL  
15 INSTITUTIONS.—Section 170 k. of the Atomic Energy Act  
16 of 1954 (42 U.S.C. 2210(k)) is amended by striking “Au-  
17 gust 1, 2002” each place it appears and inserting “August  
18 1, 2017”.

19 **SEC. 3. MAXIMUM ASSESSMENT.**

20 Section 170 b.(1) of the Atomic Energy Act of 1954  
21 (42 U.S.C. 2210(b)(1)) is amended—

22 (1) in the second proviso of the third  
23 sentence—

24 (A) by striking “\$63,000,000” and insert-  
25 ing “\$94,000,000”; and

1 (B) by striking “\$10,000,000 in any 1  
2 year” and inserting “\$15,000,000 in any 1 year  
3 (subject to adjustment for inflation under sub-  
4 section t.)”; and  
5 (2) in subsection t.—

6 (A) by inserting “total and annual” after  
7 “amount of the maximum”;

8 (B) by striking “the date of the enactment  
9 of the Price-Anderson Amendments Act of  
10 1988” and inserting “July 1, 2001”; and

11 (C) by striking “such date of enactment”  
12 and inserting “July 1, 2001”.

13 **SEC. 4. DEPARTMENT OF ENERGY LIABILITY LIMIT.**

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

18 “(2) INDEMNIFICATION AGREEMENTS.—In an agree-  
19 ment of indemnification entered into under paragraph (1),  
20 the Secretary—

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



1           “(B) shall indemnify the persons indemnified  
2           against such liability above the amount of the finan-  
3           cial protection required, in the amount of  
4           \$10,000,000,000 (subject to adjustment for inflation  
5           under subsection t.), in the aggregate, for all per-  
6           sons indemnified in connection with the contract and  
7           for each nuclear incident, including such legal costs  
8           of the contractor as are approved by the Secretary.”.

9           (b) CONTRACT AMENDMENTS.—Section 170 d. of the  
10          Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is  
11          amended by striking paragraph (3) and inserting the fol-  
12          lowing:

13          “(3) CONTRACT AMENDMENTS.—All agreements of  
14          indemnification under which the Department of Energy  
15          (or its predecessor agencies) may be required to indemnify  
16          any person under this section shall be deemed to be  
17          amended, on the date of enactment of the Price-Anderson  
18          Reauthorization Act of 2001, to reflect the amount of in-  
19          demnity for public liability and any applicable financial  
20          protection required of the contractor under this sub-  
21          section.”.

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



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

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

6 **SEC. 5. INCIDENTS OUTSIDE THE UNITED STATES.**

7 (a) AMOUNT OF INDEMNIFICATION.—Section 170  
8 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C.  
9 2210(d)(5)) is amended by striking “\$100,000,000” and  
10 inserting “\$500,000,000”.

11 (b) LIABILITY LIMIT.—Section 170 e.(4) of the  
12 Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is  
13 amended by striking “\$100,000,000” and inserting  
14 “\$500,000,000”.

15 **SEC. 6. REPORTS.**

16 Section 170 p. of the Atomic Energy Act of 1954 (42  
17 U.S.C. 2210(p)) is amended by striking “August 1, 1998”  
18 and inserting “August 1, 2013”.

19 **SEC. 7. INFLATION ADJUSTMENT.**

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

22 (1) by redesignating paragraph (2) as para-  
23 graph (3); and

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



1       “(2) ADJUSTMENT.—The Secretary shall adjust the  
2 amount of indemnification provided under an agreement  
3 of indemnification under subsection d. not less than once  
4 during each 5-year period following July 1, 2001, in ac-  
5 cordance with the aggregate percentage change in the  
6 Consumer Price Index since—

7               “(A) that date, in the case of the first adjust-  
8 ment under this paragraph; or

9               “(B) the previous adjustment under this para-  
10 graph.”.

11 **SEC. 8. PRICE-ANDERSON TREATMENT OF MODULAR REAC-**  
12 **TORS.**

13       Section 170 b. of the Atomic Energy Act of 1954 (42  
14 U.S.C. 2210(b)) is amended by adding at the end the fol-  
15 lowing new paragraph:

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

20       “(B) A combination of facilities referred to in sub-  
21 paragraph (A) is 2 or more facilities located at a single  
22 site, each of which has a rated capacity of 100,000 elec-  
23 trical kilowatts or more but not more than 300,000 elec-  
24 trical kilowatts, with a combined rated capacity of not  
25 more than 950,000 electrical kilowatts.”.



**1 SEC. 9. APPLICABILITY.**

2       The amendments made by sections 3, 4, and 5 do  
3 not apply to a nuclear incident that occurs before the date  
4 of enactment of this Act.



**(COX - MARKEY AMENDMENT)****AMENDMENT TO H.R. 2983****OFFERED BY MR. COX**

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

1 **SEC. 10. PROHIBITION ON ASSUMPTION BY UNITED STATES**  
2 **GOVERNMENT OF LIABILITY FOR CERTAIN**  
3 **FOREIGN ACCIDENTS.**

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

7 "u. PROHIBITION ON ASSUMPTION OF LIABILITY FOR  
8 CERTAIN FOREIGN ACCIDENTS.—Notwithstanding this  
9 section or any other provision of law, no officer of the  
10 United States or of any department, agency, or instrumen-  
11 tality of the United States Government may enter into any  
12 contract or other arrangement, or into any amendment or  
13 modification of a contract or other arrangement, the pur-  
14 pose or effect of which would be to directly or indirectly  
15 impose liability on the United States Government, or any  
16 department, agency, or instrumentality of the United  
17 States Government, or to otherwise directly or indirectly  
18 require an indemnity by the United States Government,  
19 for nuclear accidents occurring in any country whose gov-

1 ernment has been identified by the Secretary of State as  
2 engaged in state sponsorship of terrorist activities (specifi-  
3 cally including any country the government of which, as  
4 of September 11, 2001, had been determined by the Sec-  
5 retary of State under section 620A(a) of the Foreign As-  
6 sistance Act of 1961, section 6(j)(1) of the Export Admin-  
7 istration Act of 1979, or section 40(d) of the Arms Export  
8 Control Act to have repeatedly provided support for acts  
9 of international terrorism).”.

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

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

**1 SEC. 10. 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:

5       “u. 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 Regulatory Commission that the applicant has  
9 sought insurance coverage from the private insurance  
10 market to cover the risk of nuclear accidents, and has been  
11 denied such coverage.”.

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

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

**1 SEC. 10. PROTECTIVE DESIGN.**

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:

5 “u. PROTECTIVE DESIGN.—This section shall not  
6 apply to a commercial nuclear reactor receiving its initial  
7 operating license under this Act after the date of the enactment of this subsection unless the design for the reactor provides that the facility will be hardened to the extent  
9 necessary to withstand an attack similar to those of September 11, 2001.”.