

the gentleman from New Jersey (Mr. HOLT), a professor at Princeton where Joseph Henry taught. As a physicist I would have trouble getting in Princeton, much less getting out, or all the more of teaching there, but the gentleman has the distinction of probably being one of the few Members in Congress that fully understands the work of Mr. Henry and his scientific research.

Mr. HOLT. Madam Speaker, I thank my friend, the ranking member of the Committee on Science, for yielding me time, and I also thank my friend from New York for carrying this forward.

As a representative of Central New Jersey, including Princeton University, and as a physicist, I could not let this opportunity go by to speak of one of the great Americans. New York likes to claim Joseph Henry. Washington, D.C., likes to claim Joseph Henry. In New Jersey, we really have a soft spot for someone who did much of his scientific research at what was then called the College of New Jersey, Princeton University.

Outside of the Princeton Physics Building there are really two statues now; on one side, Joseph Henry; on the other side, Benjamin Franklin.

Joseph Henry is a remarkable American story, a self-made scientist, a country boy who made good. He was self-taught. When he was appointed to a professorship at Princeton, he asked whether they knew that he had had no formal education. But they were happy to have him because of his careful mind, and, most important, his careful experimental work. That is what I want to say a word about.

He is known for his work with induction. On one side of the Atlantic, Michael Faraday was doing work; on this side of the Atlantic, it was Joseph Henry. Now, induction may sound like an academic fine point of narrow interest, but, in fact, every motor, every transformer, every telephone, every TV broadcast, in fact, all of modern electronics is built on this work on induction.

Joseph Henry was the leading American proponent of experimental science. He not only developed the principle on which Morse developed the telegraph; he actually had a wire strung from the basement of Nassau Hall to his home where he could signal by telegraphy to his wife and family, I suppose, when he would be coming home for dinner.

He also in inventing electromagnets improvised and at one point realized he needed to insulate the wires so he could have multiple windings around the electromagnet, and he unraveled one of his wife's silk garments so he could braid silk around the wire to provide insulation and make stronger, far stronger, electromagnets than anyone in the world had ever done.

But always he was looking at the use of science for the national service, for the national good. He came to national attention and to the attention of Con-

gress when in 1844 he was appointed to a commission to investigate an explosion on the Potomac River. This was, I guess, the Challenger accident of the day, because a gun exploded and the Secretaries of State and Navy and several Members of Congress were killed.

Henry's careful investigation of the cause of that and his efforts to prevent anything like that explosion from ever occurring again brought him to the attention of Congress. So when the word went out to find a director for this new, well-endowed institution where Joseph Smithson had sent a shipload of money to form an institution for the increase and diffusion of knowledge, they looked for the best person in America to head it, and Congress hit on Joseph Henry.

Madam Speaker, the reason that we want to recognize Joseph Henry is because of what he did not just in his laboratory but to apply science to the public good in this investigation of the explosion, but then in the creation of the National Academy of Sciences, which went on and has continued to this day to use science in the national interest, and for what he did in empirical science.

With all the talk that we have nowadays of the need for science education in the schools, it is not so much that students can do calculations with Henrys and Farads and units of force and voltage and so forth but, rather, so that they learn the idea of empirical science, a way of thinking that is built on evidence, where evidence rules.

Joseph Henry was the leading American in developing this kind of empirical thinking that serves us so well today. That is why I commend the students in the district of the gentleman from New York (Mr. McNULTY) for bringing Joseph Henry to the attention of Americans today, and I am delighted to join my friend in elevating the name of Joseph Henry through this legislation.

Mr. HALL of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I ask for support of this resolution. I think that it is important that young people look to the work that has been done by this pioneer in electromagnetism in the mid-19th century.

Again, I commend the gentleman from New York (Mr. McNULTY) for recognizing Joseph Henry, and I ask the body to agree to House Concurrent Resolution 157.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 157.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRICE-ANDERSON REAUTHORIZATION ACT OF 2001

Mr. BARTON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2983) to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Price-Anderson Reauthorization Act of 2001".

SEC. 2. 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, 2017".

(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 "August 1, 2002" and inserting "August 1, 2017".

(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, 2017".

SEC. 3. MAXIMUM ASSESSMENT.

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

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

(A) by striking "\$63,000,000" and inserting "\$94,000,000"; and

(B) by striking "\$10,000,000 in any 1 year" and inserting "\$15,000,000 in any 1 year (subject to adjustment for inflation under subsection t.); and

(2) in subsection t.—

(A) by inserting "total and annual" after "amount of the maximum";

(B) by striking "the date of the enactment of the Price-Anderson Amendments Act of 1988" and inserting "July 1, 2001"; and

(C) by striking "such date of enactment" and inserting "July 1, 2001".

SEC. 4. 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) INDEMNIFICATION AGREEMENTS.—In an agreement of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain the 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 the 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 amended by striking paragraph (3) and inserting the following:

“(3) **CONTRACT AMENDMENTS.**—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 enactment of the Price-Anderson Reauthorization Act of 2001, 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. 5. 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. 6. 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, 2013”.

SEC. 7. 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) **ADJUSTMENT.**—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, 2001, 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. 8. PRICE-ANDERSON 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 new paragraph:

“(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. 9. APPLICABILITY.

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

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

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

“u. **PROHIBITION ON ASSUMPTION OF LIABILITY FOR CERTAIN FOREIGN ACCIDENTS.**—Notwithstanding this section or any other provision of law, no officer of the United States or of any department, agency, or instrumentality of the United States Government may enter into any contract or other arrangement, or into any amendment or modification of a contract or other arrangement, the purpose or effect of which would be to directly or indirectly impose liability on the United States Government, or any department, agency, or instrumentality of the United States Government, or to otherwise directly or indirectly require an indemnity by the United States Government, for nuclear accidents occurring in connection with the design, construction, or operation of a production facility or utilization facility in any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which, as of September 11, 2001, had been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961, section 6(j)(1) of the Export Administration Act of 1979, or section 40(d) of the Arms Export Control Act to have repeatedly provided support for acts of international terrorism).”.

SEC. 11. SECURE TRANSFER OF NUCLEAR MATERIALS.

(a) **AMENDMENT.**—Chapter 14 of the Atomic Energy Act of 1954 (42 U.S.C. 2201–2210b) is amended by adding at the end the following new section:

“**SEC. 170C. SECURE TRANSFER OF NUCLEAR MATERIALS.**—

“a. The Nuclear Regulatory Commission shall establish a system to ensure that, with respect to activities by any party pursuant to a license issued under this Act—

“(1) materials described in subsection b., when transferred or received in the United States—

“(A) from a facility licensed by the Nuclear Regulatory Commission;

“(B) from a facility licensed by an agreement State; or

“(C) from a country with whom the United States has an agreement for cooperation under section 123,

are accompanied by a manifest describing the type and amount of materials being transferred;

“(2) each individual transferring or accompanying the transfer of such materials has been subject to a security background check by appropriate Federal entities; and

“(3) such materials are not transferred to or received at a destination other than a facility licensed by the Nuclear Regulatory Commission or an agreement State under this Act or other appropriate Federal facility, or a destination outside the United States in a country with whom the United States has an agreement for cooperation under section 123.

“b. Except as otherwise provided by the Commission by regulation, the materials referred to in subsection a. are byproduct materials, source materials, special nuclear materials, high-level radioactive waste, spent nuclear fuel, transuranic waste, and low-level radioactive waste (as defined in section 2(16) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(16))).”.

(b) **REGULATIONS.**—Not later than 1 year after the date of the enactment of this Act, and from time to time thereafter as it con-

siders necessary, the Nuclear Regulatory Commission shall issue regulations identifying radioactive materials that, consistent with the protection of public health and safety and the common defense and security, are appropriate exceptions to the requirements of section 170C of the Atomic Energy Act of 1954, as added by subsection (a) of this section.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect upon the issuance of regulations under subsection (b).

(d) **EFFECT ON OTHER LAW.**—Nothing in this section or the amendment made by this section shall waive, modify, or affect the application of chapter 51 of title 49, United States Code, part A of subtitle V of title 49, United States Code, part B of subtitle VI of title 49, United States Code, and title 23, United States Code.

(e) **TABLE OF SECTIONS AMENDMENT.**—The table of sections for chapter 14 of the Atomic Energy Act of 1954 is amended by adding at the end the following new item:

“Sec. 170C. Secure transfer of nuclear materials.”.

SEC. 12. NUCLEAR FACILITY THREATS.

(a) **STUDY.**—The President, in consultation with the Nuclear Regulatory Commission and other appropriate Federal, State, and local agencies and private entities, shall conduct a study to identify the types of threats that pose an appreciable risk to the security of the various classes of facilities licensed by the Nuclear Regulatory Commission under the Atomic Energy Act of 1954. Such study shall take into account, but not be limited to—

- (1) the events of September 11, 2001;
- (2) an assessment of physical, cyber, biochemical, and other terrorist threats;
- (3) the potential for attack on facilities by multiple coordinated teams of a large number of individuals;
- (4) the potential for assistance in an attack from several persons employed at the facility;
- (5) the potential for suicide attacks;
- (6) the potential for water-based and air-based threats;
- (7) the potential use of explosive devices of considerable size and other modern weaponry;
- (8) the potential for attacks by persons with a sophisticated knowledge of facility operations;
- (9) the potential for fires, especially fires of long duration; and
- (10) the potential for attacks on spent fuel shipments by multiple coordinated teams of a large number of individuals.

(b) **SUMMARY AND CLASSIFICATION REPORT.**—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Congress and the Nuclear Regulatory Commission a report—

(1) summarizing the types of threats identified under subsection (a); and

(2) classifying each type of threat identified under subsection (a), in accordance with existing laws and regulations, as either—

(A) involving attacks and destructive acts, including sabotage, directed against the facility by an enemy of the United States, whether a foreign government or other person, or otherwise falling under the responsibilities of the Federal Government; or

(B) involving the type of risks that Nuclear Regulatory Commission licensees should be responsible for guarding against.

(c) **FEDERAL ACTION REPORT.**—Not later than 90 days after the date on which a report is transmitted under subsection (b), the President shall transmit to the Congress a report on actions taken, or to be taken, to address the types of threats identified under

subsection (b)(2)(A). Such report may include a classified annex as appropriate.

(d) REGULATIONS.—Not later than 270 days after the date on which a report is transmitted under subsection (b), the Nuclear Regulatory Commission shall issue regulations, including changes to the design basis threat, to ensure that licensees address the threats identified under subsection (b)(2)(B).

(e) PHYSICAL SECURITY PROGRAM.—The Nuclear Regulatory Commission shall establish an operational safeguards response evaluation program that ensures that the physical protection capability and operational safeguards response for sensitive nuclear facilities, as determined by the Commission consistent with the protection of public health and the common defense and security, shall be tested periodically through Commission approved or designed, observed, and evaluated force-on-force exercises to determine whether the ability to defeat the design basis threat is being maintained. For purposes of this subsection, the term "sensitive nuclear facilities" includes at a minimum commercial nuclear power plants, including associated spent fuel storage facilities, spent fuel storage pools and dry cask storage at closed reactors, independent spent fuel storage facilities and geologic repository operations areas, category I fuel cycle facilities, and gaseous diffusion plants.

(f) CONTROL OF INFORMATION.—In carrying out this section, the President and the Nuclear Regulatory Commission shall control the dissemination of restricted data, safeguards information, and other classified national security information in a manner so as to ensure the common defense and security, consistent with chapter 12 of the Atomic Energy Act of 1954.

SEC. 13. 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:

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

"(B) Not later than 180 days after the date of the enactment of this paragraph, the Secretary shall issue industrial health and safety regulations that shall apply to all Department of Energy contractors and subcontractors who are covered under agreements entered into under this subsection for operations at Department of Energy nuclear facilities. Such regulations shall provide a level of protection of worker health and safety that is substantially equivalent to or identical to that provided by the industrial and construction safety regulations of the Occupational Safety and Health Administration (29 CFR 1910 and 1926), and shall establish civil penalties for violation thereof that are substantially equivalent to or identical to the civil penalties applicable to violations of the industrial and construction safety regulations of the Occupational Safety and Health Administration. The Secretary shall amend regulations under this subparagraph as necessary.

"(C) Not later than 240 days after the date of the enactment of this paragraph, all agreements described in subparagraph (B), and all contracts and subcontracts for the indemnified contractors and subcontractors, shall be modified to incorporate the requirements of the regulations issued under subparagraph (B). Such modifications shall require compliance with the requirements of the regulations not later than 1 year after the issuance of the regulations.

"(D) Enforcement of regulations issued under subparagraph (B), and inspections re-

quired in the course thereof, shall be conducted by the Office of Enforcement of the Office of Environment, Safety, and Health of the Department of Energy. The Secretary shall transmit to the Congress an annual report on the implementation of this subparagraph.

"(E) This paragraph shall not apply to facilities and activities covered under section 3216 of the National Nuclear Security Administration Act (50 U.S.C. 2406)."

SEC. 14. UNREASONABLE RISK CONSULTATION.

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

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

SEC. 15. FINANCIAL ACCOUNTABILITY.

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

"w. FINANCIAL ACCOUNTABILITY.—(1) Notwithstanding subsection d., the Attorney General may bring an action in the appropriate United States district court to recover from a contractor of the Secretary (or subcontractor or supplier of such contractor) amounts paid by the Federal Government under an agreement of indemnification under subsection d. for public liability resulting from conduct which constitutes intentional misconduct of any corporate officer, manager, or superintendent of such contractor (or subcontractor or supplier of such contractor).

"(2) The Attorney General may recover under paragraph (1) an amount not to exceed the amount of the profit derived by the defendant from the contract.

"(3) No amount recovered from any contractor (or subcontractor or supplier of such contractor) under paragraph (1) may be reimbursed directly or indirectly by the Department of Energy.

"(4) Paragraph (1) shall not apply to any nonprofit entity conducting activities under contract for the Secretary.

"(5) No waiver of a defense required under this section shall prevent a defendant from asserting such defense in an action brought under this subsection.

"(6) The Secretary shall, by rule, define the terms 'profit' and 'nonprofit entity' for purposes of this subsection. Such rulemaking shall be completed not later than 180 days after the date of the enactment of this subsection."

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

SEC. 16. 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 NONPROFIT 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. Notwithstanding subsection a., a civil penalty for a violation under subsection a. shall not exceed the amount of any discretionary fee paid under the contract under

which such violation occurs for any non-profit contractor, subcontractor, or supplier—

"(1) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

"(2) identified by the Secretary by rule as appropriate to be treated the same under this subsection as an entity described in paragraph (1), consistent with the purposes of this section."

(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 the enactment of this Act.

(d) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Energy shall issue a rule for the implementation of the amendment made by subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2983, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to bring to the floor the Price-Anderson Reauthorization Act of 2001, H.R. 2983. After several months of hard work, the Committee on Energy and Commerce has produced a bipartisan bill that ensures swift compensation to the public in the unlikely event of a nuclear accident and encourages the future development of nuclear power.

Nuclear power currently provides over 20 percent of the Nation's electricity. This bill paves the way for the development of a new generation of smaller, safer and more affordable nuclear power reactors. The bill also extends indemnification to the Department of Energy contractors engaged in important nuclear work at several sites across the country, including nuclear weapons research and nuclear waste cleanup. Without reauthorization of the Price-Anderson Act, we could risk losing some of the best contractors that the Department of Energy relies upon.

In addition to reauthorizing these important programs, H.R. 2983 also dramatically improves security at our Nation's nuclear power plants in response to the widespread concerns over terrorist threats.

I would like to give special commendation to the gentleman from Massachusetts (Mr. MARKEY) for his focus on this part of the bill.

To ensure that radioactive materials are transported securely, the bill would

also require, for the first time, background checks on all individuals involved in the transfer of dangerous nuclear radioactive materials licensed by the NRC and require manifests to accompany the transfer and receipt of radioactive materials that could pose a terrorist threat.

To enhance physical security at nuclear power plants, the bill would require the President to conduct a comprehensive threat assessment for existing nuclear plant security at existing nuclear power plants.

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The President must report to Congress on what actions the Federal Government will take to address these threats from, and I quote from the bill, "enemies of the United States," including foreign governments. In consultation with the President, the Nuclear Regulatory Commission must also revise its design basis threat regulations to ensure that nuclear power plants are adequately protected.

Finally, the bill would require that the Nuclear Regulatory Commission periodically evaluate security at nuclear power plants through what are called force-on-force exercises, in cooperation with the industry.

In closing, Madam Speaker, I would like to thank a number of Members without whom we would simply not be here on the floor this afternoon. First and foremost is the principal sponsor of the bill, the gentlewoman from New Mexico (Mrs. WILSON), who will speak later on in this debate. She has played a critical role, not only in committee, but also in working out the differences with other committees of jurisdiction. I would also like to thank the ranking member of the full committee, the gentleman from Michigan (Mr. DINGELL), who is on the floor and will speak later; the ranking member of the subcommittee that I share jurisdiction with, the gentleman from Virginia (Mr. BOUCHER), whom I do not see on the floor, but perhaps he will be later. I would also like to thank our full committee chairman, the gentleman from Louisiana (Mr. TAUZIN), who is not here at the moment, but who has been a vital part of the negotiations.

I would also like to commend other committee chairmen for their cooperation in resolving some very difficult technical disputes and jurisdictional issues as we brought this bill to the floor; and they are the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary; the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure; the gentleman from Arizona (Mr. STUMP), the chairman of the Committee on Armed Services; and the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science, who have all played a vital role in this legislation coming to the floor as expeditiously as it has.

Madam Speaker, the extensive public protections provided by the Price-An-

derson Act work. I am pleased to present a reauthorization bill that extends and improves on those protections. This legislation is by no means a perfect bill; but it is a very, very good piece of work. We will, of course, review the suggestions of the administration, and we will work with the other body as they move their bill in, hopefully, a similarly bipartisan fashion.

Madam Speaker, I reserve the balance of my time.

Mr. MARKEY. Madam Speaker, I yield myself such time as I may consume.

I rise in opposition to the passage of this legislation, especially using the suspension process, which eliminates all ability for any Members to amend this deficient piece of legislation.

I would like to begin first by saying that while I oppose the legislation, I am beholden to the chairmen of the committee and the subcommittee for the courteous way in which they treated the minority and the respectful way in which we have handled, on a bipartisan basis, the antiterrorist components of this legislation, which has received unanimous support on both sides. However, I would like to note that the overarching bill is something that still resists any logical analysis in terms of why Congress should be subsidizing a private sector industry.

The nuclear power industry was really born about 45 or 50 years ago, and we were all told as a people, watching the Mickey Mouse Club, that this was going to be a wonderful new industry, that it was going to harness our friend, the atom. It was going to be safe, it was going to be efficient, it was going to be cheap. But, they said, maybe not that safe, because we cannot find any insurance company that will give us any insurance, because they think we are a very dangerous industry. So they came to Congress as an industry with their hat in hand asking us if we would provide for a 10-year period, while the industry was in its infancy, insurance protection so that there was a limited liability in the event that there was a serious accident at a nuclear power plant. That was supposed to end in 1967.

Well, here we are in the year 2001, and we are being asked, once again, to extend this protection, this government subsidy of the insurance that the industry, the nuclear industry must obtain. Now, that, even at the same time that we are being told that a new generation of plants are coming on line, pebble bed reactors, that are going to be so safe that we will never have to worry about accidents.

So I had an amendment which I requested be put in order out here which would be that before any one of these companies could avail themselves of this Price-Anderson protection, that they had to first have gone to an insurance company and tried to obtain insurance for what they say is a very safe industry, so that we can end the government subsidy. But what we are being told is that, no, that would ruin

the industry, that one must be an anti-nuclear zealot if one believes that an industry should go to the private sector and ask if they can obtain insurance so that the Federal taxpayer does not have to pick up the tab.

Now, Adam Smith is spinning in his grave as he watches a Republican-controlled Congress extend congressional taxpayer subsidies to this industry.

Madam Speaker, when we were all teenagers all getting our licenses for the first time, there was always one kid in our neighborhood who always got into accidents, time after time, three accidents, five accidents, 10 accidents; and then that kid, and we all know his name in our own neighborhood, he lost his insurance and he went into the assigned-risk pool, and his insurance rate was very high; but he could keep his license. Only as his behavior improved could he potentially work his way out of that pool.

What we have done here historically is we have created a one-industry, assigned-risk pool. We have assumed that the nuclear industry is so risky it cannot get insurance in the private sector. Today, even though we are being told that this industry is safer than ever and the new generation of pebble bed reactors will never have an accident, we are told that even that new generation, the baby nukes, are still going to have to live with the crimes, the sins, of their father. It is a foreshadowing of history, that they too will be too risky. I think that is terrible, this cycle of dependency that these baby nukes are now trapped in, that they cannot go out into the private sector, that they cannot try to obtain insurance, that they are not going to be requested to do so. I think it is wrong for an industry to tell every subsequent generation of power plants that they are going to be subsidized by the Federal Government.

So I oppose Price-Anderson. I think it is unfair to this next generation of nuclear power plants to be trapped in this cycle of dependency, and I hope that today we are able to defeat this measure.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Madam Speaker, I want to thank the chairman of the subcommittee, the gentleman from Texas (Mr. BARTON), who has worked very hard on this issue, and others, to get energy legislation through this Congress, and also the chairman and the ranking member of the full Committee on Commerce, who have reached what I think is a good, bipartisan reauthorization of this bill, as well as the subcommittee chairman, the gentleman from Virginia (Mr. BOUCHER).

Price-Anderson is something that is not exactly a common household word in America; and I think it is important, particularly given the remarks of

my colleague from Massachusetts, to explain what this does and how this works.

About 44 years ago they set up a system that goes like this: every nuclear power plant in the country has to buy, must buy the maximum amount of commercially available insurance they can get; and right now, that is about \$200 million worth of insurance. In addition to that, the law requires that they have a mutual insurance pool where for every reactor, every company has to put in \$88 million into that pool, which means the industry itself is insuring itself up to the maximum amount that is available on the commercial market and then ensuring each other up to \$9.5 billion in lawsuits. Then, the law says that the Congress would be responsible for anything beyond that.

There is absolutely no subsidy. In fact, in 44 years, taxpayers have not spent one dime in insuring this industry, because there have not been the losses and the safety record has been very good.

The reality is it works. Over the last 44 years, there have been 206 claims against the nuclear industry, and compensation, total compensation of \$191 million, all of which has been covered by the commercial insurance that is required to be purchased by nuclear power companies.

What this really means, though, is that a company can build a reactor. They can go to the capital markets and be assured that they are going to be able to get the capital to build the next generation of nuclear power. Twenty percent of our electricity in this country comes from nuclear energy. We need a balanced, long-term plan for energy in this country; and it must include nuclear energy.

Madam Speaker, this bill reauthorizes a very successful piece of legislation which is now being looked at as a model for what we should do for terrorism insurance, so that our Main Street companies can get the capital they need to operate their companies, build jobs, and survive. I think the amendments that are in this bill, in the reauthorization bill are good ones. I have been working with the Committee on Armed Services and will continue to work with the Naval Nuclear Reactor Program to make sure that none of these changes adversely impacts or reduces the excellent safety record of our Naval Nuclear Reactor Program.

Mr. MARKEY. Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Madam Speaker, I rise in support of H.R. 2983. I thank the gentleman from Massachusetts (Mr. MARKEY), my good friend, for yielding me this time. I also commend him for his work on the Price-Anderson Reau-

thorization Act of 2001. I commend the distinguished gentleman from Texas (Mr. BARTON) for his labors in that regard, and also the chairman of the full committee, the gentleman from Louisiana (Mr. TAUZIN), my good friend. The bill was reported from the committee by a voice vote, and in a strong bipartisan vote besides.

The bill makes important improvements in current law, particularly with respect to the Department of Energy contractors. These contractors perform important and often hazardous work for the country in the areas of research, management of nuclear ponds materials, and environmental cleanup.

Since its enactment in 1957, the Price-Anderson Act has provided for full indemnification of these contractors, some of whom originally worked for \$1 a year. This has meant that the taxpayers are obligated to reimburse contractors working for the Department of Energy and its predecessors for any and all liability to the public in connection with any nuclear accident. This complete insulation from liability is unique in Federal contracting law and suspends one of our legal system's most useful incentives for proper conduct by businesses, and that is the knowledge that they can be held accountable for their misconduct if it results in injury to others.

While Price-Anderson's total indemnification policy may have been appropriate when it was enacted over 40 years ago, it is no longer necessary and no longer warranted. I do commend very much the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee, for working with me on a compromise that holds for-profit contractors accountable for harm caused by their intentional misconduct and that of their corporate officials. With respect to nonprofit contractors, such as universities who run our national laboratories, the compromise subjects those entities to civil penalties for violation of DOE nuclear safety regulations. I feel these provisions should have been more stringent; but they are, nonetheless, significant and valuable reforms. Again, I wish to commend the gentleman from Texas (Mr. BARTON), the chairman of the subcommittee; the gentleman from Virginia (Mr. BUCHER), the ranking member; and the gentleman from Tennessee (Mr. GORDON) for their work in fashioning this compromise.

I believe the gentleman from Ohio (Mr. STRICKLAND) should be congratulated for the important reforms he brought to the committee's attention, which were adopted after a useful, bipartisan effort by all of the members of the committee. As my colleagues know, the gentleman from Ohio (Mr. STRICKLAND) is a tireless advocate, both for his communities and for others in which DOE nuclear facilities are located. His amendment ends the Department's exemption from OSHA worker-safety requirements, something badly needed and much overdue, and

directs the Department to adopt equivalent safety regulations. This amendment was included in the bill only by his dogged determination and great effort.

I do want to commend my good friend, the gentleman from Massachusetts (Mr. MARKEY), who worked with the chairman and me to address matters of nuclear security that have become more important in light of the events of September 11.

□ 1545

That amendment, sponsored by the three of us, the Markey-Tauzin-Dingell amendment, requires the President to define those types of threats that could be rightly handled by our Armed Forces, such as attacks by hostile aircraft, and to develop a plan for addressing these threats.

For these threats that do not fall into this initial category, the bill requires NRC to revise its design basis threat to ensure that the operators of nuclear facilities, including decommissioned reactors, are providing adequate protection to the public.

The legislation, in a second fashion, requires NRC to establish and oversee a rigorous program of force-on-force exercises to ensure that each nuclear facility will be able to respond adequately to any terrorist threat.

Third, the Markey-Tauzin-Dingell amendment directs NRC to use its long-held authority over the movement of radioactive materials to establish a cradle-to-grave system for tracking movements of these materials that could pose a threat to the public health, to the public safety, or to the common defense if they fall in the wrong hands.

The language instructs the NRC to ensure that all those involved in the movement of these materials have been subject to a timely background check by appropriate Federal entities such as the FBI.

Fourth, the amendment requires NRC within 1 year of enactment to issue a rule exempting from the new manifest and background check requirements shipments of these materials, particularly radiopharmaceuticals that do not pose a threat to the public health, safety, or well-being.

This is a good proposal, and the amendment does great good. It is a meaningful bipartisan compromise that represents not only a great step forward in protection of our nuclear facilities and more secure movement of our nuclear materials, but manifests real bipartisan cooperation.

I urge my colleagues to support this bill. It should be passed. It is far better than existing law.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Madam Speaker, I wish to engage the gentleman from Texas in a colloquy.

Madam Speaker, section 16 contains two provisions of concern to the Committee on Science regarding the management of Department of Energy labs by certain contractors.

Madam Speaker, the Battelle Memorial Institute manages several DOE facilities and was explicitly named in the 1988 Price-Anderson legislation as an entity exempt from civil penalties. In section 16(b) of H.R. 983, the Committee on Science notes that the exemption for such-named entities is eliminated. However, the current amendments limit civil penalties to be paid by non-profit institutions to the discretionary fee.

Would the gentleman from Texas (Mr. BARTON) provide assurances that the legislative intent of section 16(b) is to include institutions such as Battelle Memorial Institute and that he expects the Secretary of Energy to include Battelle in the Secretary's rulemaking under section 16(b)?

Mr. BARTON of Texas. Madam Speaker, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Madam Speaker, I agree with the gentleman, and the committee agrees with what the gentleman just said.

Mr. BARTLETT of Maryland. Madam Speaker, reclaiming my time, I have one more question for the distinguished chairman.

Under section 16(b), H.R. 2983 limits civil penalties to be paid by such contractors to no more than the amount of the discretionary fee.

Would the gentleman from Texas (Mr. BARTON) agree that the appropriate definition for "discretionary fee" is contained in the committee report on H.R. 2983, which specifies that the discretionary fee refers to that portion of the contract fee which is paid based on the contractor's performance?

Mr. BARTON of Texas. Madam Speaker, if the gentleman will continue to yield, I agree, on behalf of the committee. We agree with the gentleman's assessment.

Mr. BARTLETT of Maryland. Madam Speaker, I thank the gentleman from Texas. I look forward to working with him on this matter and on other important issues in the future.

Mr. MARKEY. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

(Mr. STRICKLAND asked and was given permission to revise and extend his remarks.)

Mr. STRICKLAND. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in support of H.R. 2983, the Price-Anderson Reauthorization Act.

I would like to thank the gentleman from Louisiana (Chairman TAUZIN) and the gentleman from Texas (Mr. BARTON) and the ranking members, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Virginia (Mr. BOUCHER), as well as other spon-

sors of this legislation; and also the gentlewoman from New Mexico (Mrs. WILSON), especially for her work in bringing this legislation to the floor. I appreciate that. This is an important piece of work, and she has done great service.

I also would like to thank the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Tennessee (Mr. GORDON) for their hard work to amend the bill and strengthen the safety of our nuclear industry and increase the accountability of our Department of Defense contractors.

Although this legislation does not come to the floor without some controversy, I think it represents a good bipartisan effort to move important legislation forward.

The Price-Anderson Act establishes a method to provide for timely compensation to citizens who are injured in the event of a nuclear incident or accident at a nuclear reactor or at a DOE facility where nuclear activities are performed.

It is our hope that such an accident will never happen, but I would not want injured citizens to be denied compensation should such an unfortunate accident occur. This legislation provides assurances that the public will be compensated appropriately.

I am particularly pleased that an amendment that I offered in the Committee on Energy and Commerce is included in this legislation. Again, I would like to express my thanks to the chairman and to the ranking member for their support of this provision.

My amendment orders DOE to issue industrial and construction health and safety rules that are as protective as OSHA rules already in place at private industrial and construction sites. DOE's Office of Environment, Safety, and Health will enforce these safety standards by issuing fines and penalties for any violations, just as it currently does for nuclear safety.

Section 13 of this bill strives to create industrial and construction safety rules which are substantially equivalent or identical to those regulations enforced by OSHA. In my opinion, there is no reason that the enforcement of industrial safety standards at our DOE facilities should differ from the enforcement of standards at commercial sites. I thank those who worked on this bill.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Rockwall, Texas (Mr. HALL), the ranking member of the Committee on Science and a former distinguished ranking member of the subcommittee that I chair, and one of the most distinguished Members of this body.

Mr. HALL of Texas. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I of course rise in support of H.R. 2983. I rise as one who represents the oil patch in Texas. Yet, I recognize the need for nuclear energy as a supplemental source.

I also recognize the fact that energy is such that nations have to go to war for it. We sent Japan hurtling into war 50 years ago. We sent 450,000 kids to the desert 6 years ago. That was for energy. We have to solve our energy problems.

Madam Speaker, I want to thank the gentleman from Michigan (Mr. DINGELL), the ranking member, and those that the gentleman from Texas (Mr. BARTON) thanked. I want to thank the very capable gentleman from Massachusetts (Mr. MARKEY) for the work that he has done.

I have sat by him for 21 years. While he never saw a nuclear plant he liked, he has never seen an issue that he could not debate, and do it masterfully; and he is a gentleman.

I serve on the Committee on Energy and Commerce and the Committee on Science. As the ranking minority member of the Committee on Science, I also want to thank the Committee on Science members, the gentleman from New York (Chairman BOEHLERT) and the chairman of the Subcommittee on Energy, the gentleman from Maryland (Mr. BARTLETT), and the ranking member, the gentlewoman from California (Ms. WOOLSEY).

Madam Speaker, the Committee on Science has asked for and was granted referral of the bill. However, we were able to find a solution to the problem without having to go to the mark-up.

It certainly is my intent that all laboratory contractors have coverage; and I believe we have found a way to ensure that coverage will apply to this exceptional situation.

Madam Speaker, I support the bill.

Mr. MARKEY. Madam Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I rise in opposition to H.R. 2983. This legislation is nothing more than a giant government subsidy to keep the nuclear industry afloat.

Opposition to Price-Anderson runs the political gamut. Environmental groups like Public Citizen oppose Price-Anderson because it hurts our environment. Rather than investing resources in renewable energy, this bill would further our reliance on nuclear energy, thus exacerbating our problems with nuclear waste.

On the right, even the conservative Cato Institute states that if nuclear power is a better investment than gas or coal-fired power, then no amount of government help is necessary. If it is not, then no amount of government help will make it so.

This legislation mandates that it is the American taxpayer who will pay the financial costs of cleaning up a nuclear accident. It has been estimated that a worst-case scenario accident could cost more than \$300 billion to clean up. The total insurance coverage provided under this act is \$9.4 billion. It is the American taxpayer who will make up the difference.

Madam Speaker, both Liberals and Conservatives oppose Price-Anderson because it

artificially supports an industry that is not trusted by the American public, and not supported by the American investor. Nuclear energy is dangerous, and it is this danger that prevents investors from being interested in nuclear power.

Price-Anderson not only subsidizes the production of nuclear energy, it also subsidizes the production of nuclear waste. Although the nuclear industry has lobbied for years to dump its garbage at Yucca Mountain, located just outside my rapidly-growing hometown of Las Vegas, it is not a safe place to permanently store nuclear waste. The geology of Yucca Mountain is unsound. Nuclear waste risks contaminating the ground water throughout southern Nevada and California.

Even if this administration is successful in its efforts to ram a nuclear dump down our throats, it will take more than 50 years before 77,000 tons of nuclear waste is moved from its current locations across the United States and relocated to Yucca Mountain.

At the same time, Price-Anderson subsidies keep the nuclear industry afloat, creating more and more waste, so even as the waste is shipped, more waste is being created and stored at the reactors. Any central repository represents only a temporary solution. Waste will continue to be stored at taxpayer-subsidized reactors, posing both security and environmental hazards.

I have heard representatives of the nuclear interests argue that the events of September 11 emphasize the need for a central repository. This is not just an erroneous statement, but the most blatant political misuse of those tragic events. A central repository would do nothing to diminish the threat at active reactor sites and would offer only one more attractive target. When we include each individual nuclear waste transport, there would be thousands more inviting targets for potential terrorist attacks.

Madam Speaker, I oppose the reauthorization of Price-Anderson because it makes our country a more dangerous place to live. Nuclear energy cannot survive on its own, and I think it is nothing short of highway robbery that we ask the American taxpayer to subsidize a product that endangers their very health and safety.

Nuclear energy creates Nuclear waste. There is no way of getting around that. Long term options for disposing of nuclear waste, such as transmutation, are emerging, but they have not yet been fully developed. I would urge my colleagues to support research into the decontamination, and safe disposal, of nuclear waste, so we can solve this problem, once and for all. But in the meantime, I urge all my colleagues to oppose this measure until the nation finds a safe, realistic, and economically feasible method of dealing with nuclear waste.

Madam Speaker, I urge my colleagues to support research on decontamination and safe disposal. I urge all of my colleagues to oppose this measure until the Nation finds a safe, realistic, and economically feasible method for dealing with nuclear waste.

Mr. BARTON of Texas. Madam Speaker, I reserve the balance of my time.

Mr. MARKEY. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's courtesy in yielding me time to speak on this issue.

I appreciate the hard work of this committee, but I rise in opposition to the bill.

First and foremost, it has no business on the suspension calendar. It is not a simple, noncontroversial bill, and members of this assembly should be given an opportunity to fully express their concerns and fully debate the reauthorization.

Madam Speaker, it is not about changing rules for existing plans, although many argue that the Price-Anderson Act has long been an unwarranted subsidy enjoyed by the nuclear industry.

The question is, where are we going to go from here? The gentlewoman from New Mexico was correct, there is a little bit of coverage. Two hundred million dollars sounds like a lot, and \$88 million in addition to the pool, but look at what happened in the World Trade Center: just the collapse of an office tower, and we see tens of billions of dollars that are being brought forward, rocking the potential for the insurance industry.

There is big money that is going to be involved if we have a serious nuclear accident; and I think it is very easy to document by any impartial group that it will go far beyond \$200 million, far beyond \$288 million, and will stretch, in a realistic form, to something that deals with \$9.5 billion, as she talks about.

I live in the Pacific Northwest. We are going to spend maybe \$100 billion and not do an adequate job cleaning up the Hanford Nuclear Plant, and that is something that has not been subjected to a meltdown.

If smaller, safer plants make sense, so be it. Allow the smaller, safer plants to go forward like any other industry would, and be able to cover their own liability. If they make sense, the private sector will provide coverage.

I would strongly suggest that if we have to continue subsidizing the production of energy, that this body can find far more productive, safer, economically viable alternatives in terms of renewable energy. If we are going to throw hundreds of billions of dollars, let us do something that is going to stabilize our energy future, something that has been long ignored, rather than taking a path for an industry that, after 50 years, should be mature enough to stand on its own legs with this new generation.

□ 1600

I strongly urge a no vote. We need to deal with Price-Anderson in a broader context. It ought not to be on the sus-

pension calendar. This assembly needs to look at alternative ways of subsidizing energy production. I would suggest continuing a subsidy for the nuclear power energy is not the alternative to follow.

Mr. MARKEY. Madam Speaker, may I inquire from the Chair how much time is remaining on either side?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Massachusetts (Mr. MARKEY) has 1 minute remaining. The gentleman from Texas (Mr. BARTON) has 9½ minutes.

Mr. MARKEY. Madam Speaker, I yield myself that remaining 1 minute.

Mr. BARTON of Texas. Madam Speaker, will the gentleman from Massachusetts yield?

Mr. MARKEY. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Madam Speaker, the gentleman from Massachusetts cannot say hello in 1 minute. I yield the gentleman 1½ minutes.

Mr. MARKEY. Madam Speaker, I will use some of that time to praise the gentleman from Texas (Mr. BARTON) for the process that he put in place for us to, on the one hand, pass a particularly odious piece of legislation which I historically have opposed but at the same time sweetening it with a provision that will deal with a palpable threat to our society, which is that the terrorist organizations that are under the control of Osama bin Laden have clearly indicated that nuclear power plants are near the top of their list of targets if they could successfully pull off one of those attacks.

So built into this legislation is something which I think every Democrat and every Republican can support wholeheartedly. It requires the President to do an immediate assessment of the current vulnerabilities of the plants to terrorist attack and what aspect of the defense of these plants should be the responsibility of the Federal governments.

It secondly requires the Nuclear Regulatory Commission to do a rule-making to upgrade its rules on the design basis threat which establishes the parameters for what the licensees need to defend against.

Third, it requires the Nuclear Regulatory Commission to issue new rules to enhance the security of transportation of nuclear materials.

Fourth, it codifies into law the Nuclear Regulatory Commission's operational safeguards response evaluation preparedness which tests security at nuclear plants through force-on-force exercises.

So this is actually going to be a quite important new addition to the law. My hope is that we can work with the Senate expeditiously to put this on the books so that we can move forward in providing the real security that Americans want, especially those who live within a 10-mile radius of nuclear power plants, that they are not in fact subject to a successful terrorist attack.

Madam Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself 8 minutes.

Madam Speaker, I would take mild umbrage to the statement of my good friend, the gentleman from Massachusetts (Mr. MARKEY), that this is an odoriferous piece of legislation. I think it is sweet smelling like a rose. But to the extent that it has offended his olfactory organs, let me simply say it is less odious than it was because of his efforts; and I want to commend him on those efforts.

Madam Speaker, I would like to make a few points for the record. There has been some discussion in the debate, Madam Speaker, about a subsidy for the nuclear industry. Price-Anderson is nothing more than a last-resort indemnification of the nuclear power industry. In a similar fashion, we have the Federal Deposit Insurance Corporation which guarantee \$100,000 for every savings account and every bank account in this country. There is private insurance that has to kick in before that, but as a last resort the FDIC guarantees every depositor's account up to \$100,000.

I would also point out the Federal Housing Administration has a home mortgage program. Many first-time buyers get their mortgage through an FHA mortgage, which again guarantees that mortgage. There is private market with private insurance, homeowners insurance, but the FHA is the guarantor of last resort.

Madam Speaker, I would also point out that in the mid-1980s when we had the collapse of the savings and loan industry, the Federal taxpayers, as guarantors of last resort, put \$125 billion into the economy to guarantee mortgages that were failed and institutions in the S and L industry that failed. We hoped to recoup that money over time, but it is expected that somewhere between \$125 billion and \$500 billion was paid out to guarantee the solvency of the savings and loan industry in the mid-to-late 1980s.

I could point to our farm programs where again we have price support programs in place to guarantee farmers some minimal financial support if the market does not operate as they had hoped that it will. So Price-Anderson, which has been on the books for over 50 years, was put into place to guarantee that in a very, very worst-case scenario there would be some guarantee if we had one of these worst-case catastrophes which we have not had. In the most serious incident that we had, the Three Mile Island incident, \$187 million was paid out, well within the \$200 million per reactor private sector insurance cap. So as I am standing on the floor today we have not had an instance where the Federal taxpayers have been at risk.

As has been pointed out by the gentleman from Michigan (Mr. DINGELL) and others, the bill before us is an improved bill. It has increased penalties for gross and willful misconduct by contractors.

It has an elimination of profit in the case that something egregious is done by the contractor. So it is a better bill than the current law.

We are on the verge of a new generation of nuclear power reactors that are safer, less expensive to operate, more efficient, will provide electricity, we hope, for future generations of American consumers.

Now is not the time to change the Price-Anderson Act in a negative way. Instead, it is the time to improve it, to pass it with a strong bipartisan vote to the Senate, and that is exactly what this piece of legislation does.

I again want to commend the gentleman from Michigan (Mr. DINGELL), the gentleman from Virginia (Mr. BOUCHER), the gentleman from Louisiana (Mr. TAUZIN), the gentlewoman from New Mexico (Mrs. WILSON) and others for their strong work on this, the committee staffs on both sides, my personal staff, especially my intern from the Nuclear Electric Institute, Mr. Jason Remer, for his strong work in this area.

Finally, Madam Speaker, to pay off a wager that I had on the A&M-Texas game where I bet on the Aggies, my great team, and they unfortunately were on the low side of the score 24 to 7, I want to wish the Longhorns God speed this week in the Big 12 championship game against the Colorado Buffaloes and say that I cannot bring myself to say the Longhorn slogan but would say Go Longhorns.

Mr. MARKEY. Madam Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Madam Speaker, I would say Hook 'em Horns.

Mr. BARTON of Texas. Madam Speaker, the gentleman from Massachusetts can say that; I cannot.

Mr. MARKEY. Why is that? I do not think people would understand why the gentleman cannot say that.

Mr. BARTON of Texas. Madam Speaker, where I come from, that dog just will not hunt.

Mr. GEKAS. Madam Speaker, today I rise in support of H.R. 2983 and of H. Con. Res. 267, a resolution which I introduced on November 13, 2001.

Nuclear energy is one of our Nation's vital sources of energy. Nuclear energy accounts for 20 percent of all U.S. electricity generation and more than 40 percent of the electricity generation in 10 states in the Northeast, South, and Midwest. Currently, there are 103 nuclear energy plants operating at 64 sites in 31 States.

With this in mind, it is my belief that Congress must act to reauthorize the Price-Anderson Act of 1957. The Price-Anderson Act of 1957 was created to encourage the development of our nascent nuclear industry. It is time that we commit to encouraging the development of the industry once again. The nuclear energy industry is a vital element in our attempt to become energy independent. In the times we find ourselves, we must realize that reliance on foreign sources of energy is foolish at best and ultimately dangerous to our na-

tional security. We must encourage development of all our domestic sources—from traditional sources like oil, natural gas, and clean coal to high-tech, next-generation sources like fuel cells and advanced nuclear reactor designs and even renewable sources like hydro, wind, geothermal, and solar power.

Mr. Speaker, nuclear power is an important key to achieving energy independence. Nuclear power is also considered potentially more dangerous and more volatile than other sources. The most serious nuclear incident in U.S. history happened at Three Mile Island-Unit 2, in my congressional district. A catastrophe was averted, but the memory of this incident—along with the disaster at the Chernobyl plant in the former U.S.S.R.—has led many to question the role of nuclear power.

The Price-Anderson Act goes far to assuage the concerns of communities around nuclear facilities. During the Three Mile Island incident, the financial assistance Price-Anderson was designed to provide served as an assurance to many communities in my district. Today we must use Price-Anderson to assuage a new fear. That is the fear of a terrorist attack against a nuclear facility. I praise the Committee on Energy and Commerce for the inclusion of language that would require the U.S. Nuclear Regulatory Commission to conduct a study of the vulnerability of licensed nuclear facilities to certain threats, and report to Congress on that study. This is necessary to keep our nuclear facilities safe in the future. Before September 11, many would have thought this unnecessary, but today we see it as vital.

I have introduced H. Con. Res. 267 for this very reason. I firmly believe that a thorough, Federal study of the security measures in place now, and those needed in the future, at all of our Nation's nuclear facilities should be conducted immediately. My legislation would raise the possibility of making the Federal Government responsible for nuclear plant security, and call upon the President to order an interagency study of security at nuclear facilities be conducted by the NRC, the Defense Department, the Department of Transportation, Federal Bureau of Investigation, and Central Intelligence Agency immediately.

I am pleased with the steps Governor Ridge of the Office of Homeland Defense continues to take to prepare the country for future acts of terrorism. One of those steps was to issue, in conjunction with the NRC, an alert to Governors to take necessary steps to bolster security at our Nation's nuclear power plants. Thirty-one States are home to over 100 nuclear facilities. Twenty-two Governors, after receiving the Homeland Defense security alert, ordered State troopers and local police officers to temporarily augment the private security at the facilities in their States. Nine Governors, including Governor Schweiker of Pennsylvania, decided to call up National Guard units to bolster security at their nuclear facilities. However, the use of National Guard forces has raised many questions. Why some States and not others? How large a force will be necessary? How long will they be there? Are they properly trained for such a mission? Are their efforts coordinated with law enforcement and private security? And who will fund these units?

My legislation calls upon President Bush to make the use of military forces at nuclear

plants a primary focus of the federal inter-agency study to be commissioned. The Department of Defense and Nuclear Regulatory Commission must move forward with other relevant agencies toward developing standards to ensure that National Guard units, Coast Guard units, Army and Air Force units are used appropriately, are adequately trained, and highly coordinated with law enforcement and private security forces. Moreover, my resolution calls upon the President to recognize the need for Federal funding for National Guard units called upon to perform security duties at nuclear power plants nationally. The National Guard has a unique dual role. They serve under State authority or Federal authority, depending on their mission. President Bush has recognized the national importance of protecting our national transportation system by funding National Guard units stationed at airports and train stations across the country. The resolution also calls upon the President to similarly recognize the national importance of nuclear plant security by funding those units sent to nuclear power plants.

Additionally, my resolution calls upon the President to direct the FDA, NRC, and FEMA to take all necessary steps to begin stockpiling supplies of potassium iodide in communities within the Emergency Planning Zones of each of the 64 nuclear power sites across the country. Potassium iodide can effectively counteract some of the more serious debilitating effects of radiation poisoning. A potential accident at a nuclear facility can result in leakage of radioactive iodine. Studies show that alacritous use of potassium iodide tablets can prevent the onset of thyroid cancer, a by-product of radioactive iodine exposure. Stockpiling of potassium iodide tablets simply makes sense. It is another important way we can do everything within reason to make sure our communities are free from the fear of insecurity.

Madam Speaker, I commend the Bush administration for the actions taken to make America more secure. More will be done. My sense-of-the-Congress resolution helps point the Government in the direction it must move over the next months. I thank Mr. KANJORSKI, Mr. PITTS and Mr. PLATTS of the Commonwealth of Pennsylvania for their active support in joining me in this measure. And, I ask that all Members of Congress and the Senate support our measure.

Mrs. TAUSCHER. Madam Speaker, I would like to lend my strong support for the Price-Anderson Reauthorization Act of 2001. I commend my colleague HEATHER WILSON for introducing this timely bill and her work on the Energy and Commerce Committee to ensure bipartisan participation.

As a member of the Armed Services Committee's Special Panel on Department of Energy Reorganization and with two national defense laboratories in my district, I believe that the timely renewal of the Price-Anderson Act is absolutely essential for the continued operations and cleanup of Department of Energy (DOE) nuclear facilities.

As several of my colleagues who have National Nuclear Security Administration (NNSA) sites in their districts know, the defense production sites and former sites are operated by experienced, uniquely qualified contractors who ensure that viability of our nuclear deterrent and the safe disposition of excess nuclear materials and waste. Price-Anderson gives us critical protection while fostering progress on

environmental and quality management of many of the world's most radioactively contaminated facilities.

The legislation passed out the Energy and Commerce Committee ensures a sufficient contractor base and places a strong emphasis on accountability. Current civil and criminal penalties contained in Price-Anderson, combined with DOE's inherent authority to adjust fees based on performance or terminate contracts, ensure contractors are accountable. This mix will help DOE contractors continue their dedication to safely maintaining America's nuclear stockpile, while they continue cleaning up the environmental legacy of the cold war, and ensuring worker safety and health.

On a broader level, a straightforward Price-Anderson reauthorization is necessary to ensure that the public has the financial resources available to cope with a nuclear accident, covering expenses from evacuation to medical care to property damage. The strict liability regime imposed by Price-Anderson in the unlikely case of a major accident ensures money starts flowing where it's needed without legal wrangling. This expedited process visibly benefits the public. In fact, during the Three Mile Island accident, Price-Anderson financial assistance meant that the needs of people in the surrounding communities were met.

Finally, important, timely measures have been added to the Price-Anderson Reauthorization Act, that address the threat of terrorism to our nuclear facilities. These provisions include measures to safeguard the transportation of nuclear materials and several steps that address potential threats to nuclear facilities.

Mrs. WILSON's bill is timely. It matches bipartisan proposals for reauthorization in the Senate and tracks both recommendations made to Congress under the previous administration and the National Energy Policy developed by the Bush administration.

I strongly encourage my colleagues to vote for this legislation.

Mr. TAUZIN. Madam Speaker, I rise in strong support of the Price-Anderson Reauthorization Act of 2001. Passage of this bill is critical to the future development of nuclear power. Nuclear power is essential for maintaining a balanced diversity of fuel sources to feed the Nation's growing electricity needs. This bill also includes several provisions that will strengthen physical security at nuclear power plants regulated by the Nuclear Regulatory Commission (NRC). I would like to describe some of the actions that NRC has taken in the aftermath of the September 11 attacks, and also describe how this bill will help NRC and the Federal Government manage emerging threats at nuclear plants.

The events of September 11 have necessitated a review of security at our Nation's 103 operating nuclear power reactors. The NRC is in the process of conducting a top-to-bottom review of the security at these reactors. The NRC is interacting with the Federal Bureau of Investigation, other Federal law enforcement and intelligence organizations, the military, and the newly established Office of Homeland Security so that necessary changes to NRC's programs consider pertinent information from all relevant Federal agencies.

In the process of this review, however, we should not unnecessarily cause fear among those who reside near these nuclear facilities.

First, the Nation's 103 nuclear reactors are among the most hardened structures in the country. Nuclear power plants are designed to withstand extreme events, such as hurricanes, tornadoes, and earthquakes, in addition to objects propelled at great force into the structures. The NRC has in fact required that three nuclear power reactors be able to withstand certain aircraft strikes due, in part, to the location of those power reactors to airports or runways. The analysis of those reactors to withstand aircraft crashes did not result in design changes because the plants were already sufficiently hardened as a result of the design to protect them against natural and internal events.

While nuclear power reactors are among the most strong and most secure facilities in the United States, they have not been specifically analyzed to consider attacks by aircraft such as Boeing 757s or 767s, and nuclear power plants were not specifically designed to withstand such crashes. This does not necessarily mean, however, that they are not capable of withstanding a strike, because in light of their inherent robustness, they may in fact prove capable. The NRC is appropriately evaluating ways to assess the effects of a deliberate aircraft impact and resulting fires and explosion on the reactor containment building and support structures. The NRC should conclude that study with all deliberate speed.

The committee-reported bill contains several provisions pertaining to the security of nuclear power reactors. Congressman MARKEY, with the support of the committee chairman and ranking minority member, offered one nuclear safety amendment which directs the President, in consultation with the NRC and other appropriate Federal, State, and local agencies and private entities, to conduct a study of nuclear facility security and to report to Congress on the study's findings within 270 days of the amendment's enactment. The President must classify threats as either an attack by "an enemy of the United States" or as "the type of risks that NRC licensees should be responsible for guarding against." This study will address what is at heart a national question of policy: the role of the Federal Government with respect to nuclear facility security. It is meant to delineate those threats that should be the responsibility of the Federal Government and those threats that should be the responsibility of the nuclear industry.

The Presidential study is to take into account not only the threats of September 11 and "air-based threats," but also the potential for attacks my multiple coordinated teams of a large number of individuals; the potential for assistance is an attack from several persons employed at the facility; the potential for suicide attacks; and the potential for water-based threats, as well as other threats. The President must report to Congress on actions taken, or to be taken, to address the types of threats identified as "enemy of the United States" threats. Such "enemy of the United States" threats could very well include September 11-type attacks, regardless of the nationality of the perpetrators. In preparing the report, the President will need to consider the defensive capabilities of private corporations and those of the government.

The NRC must promulgate regulations addressing the threats the President identifies as the type of risks that NRC licensees should be responsible for guarding against. The NRC is

required to update its regulations pertaining to the design basis threat (DBT), based, in part, on whether the President's study identifies new threats that conflict with the DBT as currently set forth in NRC regulations. It may be, however, that the majority of threats in the President's study are deemed to be "enemy of the United States" threats, and, in such cases, the NRC would not be required to expand its regulations in this area.

The amendment also requires the NRC to establish a program to test the response of reactor personnel to mock attacks. The NRC must approve or design, observe and evaluate force-on-force exercises to determine whether the ability to defeat the design basis threat is being maintained. This provision gives the NRC flexibility to text and implement a Safeguards Performance Assessment (SPA) pilot program currently under development or to continue its current Operational Safety Response Evaluation (OSRE) program. As the committee report points out, the NRC must be active in the preparation of the testing program. The language, however, does not mandate the use of, or otherwise codify the existing OSRE program; nor does it prohibit the use of the SPA program. Rather, it gives the NRC the flexibility it needs to run a program of its own choosing, provided that the key elements specified in the bill are contained in the program.

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES)

H.R. 2983—Price-Anderson Reauthorization Act of 2001 (Rep. Wilson (R) NM and 8 cosponsors)

The Administration supports reauthorization of the Price-Anderson Act, which provides liability protection for government contractors and the nuclear industry and assures prompt and equitable compensation for the public in the unlikely event of a nuclear accident. The Administration commends the House for its efforts to extend Price-Anderson's important indemnification objectives. To assure the future of nuclear energy, liability coverage must continue for nuclear activities conducted by the Department of Energy and by licensees of the Nuclear Regulatory Commission as well as contractors, subcontractors, and suppliers of both.

The Administration remains committed to enacting legislation that will reauthorize the Price-Anderson Act in its current form, and looks forward to working with Congress to improve provisions in the bill concerning financial accountability, safety, and security. The Administration hopes to work with Congress to ensure that the bill achieves its intended effect without detracting from the quality of potential contractors, fostering unnecessary regulations, or compromising security, anti-terrorism, or non-proliferation efforts.

Mr. GIBBONS. Madam Speaker, currently, nuclear security requirements at licensed nuclear facilities do not reflect the risk of terrorism that they face in the post September 11, 2001-world. The Nuclear Regulatory Commission has recognized that the containment buildings housing nuclear reactors are not designed to withstand an attack of September 11 proportions. An even more vulnerable target includes spent nuclear fuel pools which contain more radioactivity than a reactor core and are located outside of the containment structure. Unfortunately, H.R. 2983 contains specific provisions intended to facilitate the con-

struction of the Pebble Bed Modular Reactor (PBMR), a design that does not include a protective containment structure.

The blanket indemnities granted to Department of Energy contractors by the Price-Anderson Act, even in cases of willful misconduct and gross negligence, runs counter to the goal of comprehensive security at licensed nuclear facilities. Unfortunately, America knows far too well the effects of willful misconduct on buildings and locations that do not house radioactive waste. Exposing facilities that do is an egregious violation of public trust and safety. As a Congress, we should not provide disincentives to ensuring public safety. If we pass H.R. 2983, we will be doing just that.

Besides worrying about terrorist attacks on nuclear reactors, nuclear waste transports, or nuclear waste storage sites, taxpayers are concerned about having to foot the bill in cases of disaster. Americans are expected to purchase their own insurance, yet the nuclear industry asks Americans to pay for theirs. The Price-Anderson Act limits the financial responsibility of the nuclear industry by awarding special protections that no other industry has received. This limitation not only insulates the industry from financial risks but creates an inherent subsidy by relieving the costs of fully insuring against the risk of an accident. All other businesses insure to a reasonable limit against potential liabilities and risk loss of assets if the level of insurance is inadequate. This insurance is a normal cost of doing business, which is then reflected in the price of the product or service provided by that business. The Price-Anderson Act gives the nuclear industry an unfair business advantage. By eliminating the cost of purchasing adequate insurance, the Act makes nuclear power appear cheaper to consume than it truly is.

Madam Speaker, I do not support the Federal Government being used as an insurance provider of this magnitude. The nuclear industry should be required to purchase insurance like everyone else is expected to—through the private market. I do not support H.R. 2983 and urge my colleagues to reconsider its placement on the suspension of the rules calendar.

Mr. GUTKNECHT. Madam Speaker, I would like to enter into the RECORD the following language that is missing from the Price-Anderson Reauthorization Act of 2001, but that I feel should have been included. The effect of this language would be to clarify that Indian tribes are covered under the act, and to ensure that in the event of a nuclear incident on an Indian Reservation which renders such land uninhabitable, the tribe would be compensated with other lands of comparable size and value.

42 U.S.C. 2014(s) is amended to read:

(s) The term "person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, *any Indian tribe, band, nation or other organized group or community of Indians*, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

42 U.S.C. 2014(w) is amended to read:

(w) the term "public liability" means any legal liability arising out of or resulting from a nuclear incident or precautionary evacuation (including all reasonable additional costs incurred by *any Indian tribe,*

band, nation or other organized group or community of Indians or a State, or a political subdivision of a State, in the course of responding to a nuclear incident or a precautionary evacuation), except: (i) claims under State or Federal workmen's compensation acts of employees of persons indemnified who are employed at the site of and in connection with the activity where the nuclear incident occurs; (ii) claims arising out of an act of war; and (iii) whenever used in subsections (a), (c) and (k) of section 2210 of this title, claims for loss of, or damage to, or loss of use of property which is located at the site of and used in connection with the licensed activity where the nuclear incident occurs. *In the case of an Indian tribe with trust or reservation lands located within one mile of the site of a nuclear incident, "public liability" includes the loss of use of trust or reservation lands. In the event of a nuclear incident which renders such trust of reservation lands uninhabitable, upon meaningful consultation with the Indian tribe, other lands of comparable size and value shall be placed in trust for the tribe and shall have the same status for all purposes of Federal, State and Indian law as did the uninhabitable lands.* "Public liability" also includes damage to property of other persons indemnified: Provided, That such property is covered under the terms of the financial protection required, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs.

Mr. BARTON of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 2983, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. BARR of Georgia. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 44) expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

The Clerk read as follows:

S. CON. RES. 44

Whereas on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas 2,403 members of the Armed Forces of the United States were killed in the attack on Pearl Harbor;

Whereas there are more than 12,000 members of the Pearl Harbor Survivors Association;

Whereas the 60th anniversary of the attack on Pearl Harbor will be December 7, 2001;

Whereas on August 23, 1994, Public Law 103-308 was enacted, designating December 7 of each year as National Pearl Harbor Remembrance Day; and

Whereas Public Law 103-308, reenacted as section 129 of title 36, United States Code, requests the President to issue each year a proclamation calling on the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate