

**AMENDMENT TO H.R. 1401, AS REPORTED
OFFERED BY MR. COSTELLO OF ILLINOIS**

At the end of title XXXI (page 453, after line 15),
insert the following new section:

1 **SEC. 3167. DEPARTMENT OF ENERGY REGULATIONS RELAT-**
2 **ING TO THE SAFEGUARDING AND SECURITY**
3 **OF RESTRICTED DATA.**

4 (a) IN GENERAL.—Chapter 18 of title I of the Atomic
5 Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended
6 by inserting after section 234A the following new section:

7 “SEC. 234B. CIVIL MONETARY PENALTIES FOR VIO-
8 LATIONS OF DEPARTMENT OF ENERGY REGULATIONS
9 REGARDING SECURITY OF CLASSIFIED OR SENSITIVE IN-
10 FORMATION OR DATA.—

11 “a. Any person who has entered into a contract or
12 agreement with the Department of Energy, or a sub-
13 contract or subagreement thereto, and who violates (or
14 whose employee violates) any applicable rule, regulation,
15 or order prescribed or otherwise issued by the Secretary
16 pursuant to this Act relating to the safeguarding or secu-
17 rity of Restricted Data or other classified or sensitive in-
18 formation shall be subject to a civil penalty of not to ex-
19 ceed \$100,000 for each such violation.

1 “b. The Secretary shall include in each contract with
2 a contractor of the Department provisions which provide
3 an appropriate reduction in the fees or amounts paid to
4 the contractor under the contract in the event of a viola-
5 tion by the contractor or contractor employee of any rule,
6 regulation, or order relating to the safeguarding or secu-
7 rity of Restricted Data or other classified or sensitive in-
8 formation. The provisions shall specify various degrees of
9 violations and the amount of the reduction attributable to
10 each degree of violation.

11 “c. The powers and limitations applicable to the as-
12 sessment of civil penalties under section 234A, except for
13 subsection d. of that section, shall apply to the assessment
14 of civil penalties under this section.”.

15 (b) CLARIFYING AMENDMENT.—The section heading
16 of section 234A of such Act (42 U.S.C. 2282a) is amended
17 by inserting “SAFETY” before “REGULATIONS”.

18 (c) CLERICAL AMENDMENT.—The table of sections
19 for that Act is amended by inserting after the item relat-
20 ing to section 234 the following new items:

“Sec. 234A. Civil Monetary Penalties for Violations of Department of Energy
Safety Regulations.

“Sec. 234B. Civil Monetary Penalties for Violations of Department of Energy
Regulations Regarding Security of Classified or Sensitive Infor-
mation or Data.”.