H.R. 1

To direct the Secretary of Energy to conduct a study on the global status of the civilian nuclear energy industry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CARTER of Georgia introduced the following bill; which was referred to the Committee on ________________________

A BILL

To direct the Secretary of Energy to conduct a study on the global status of the civilian nuclear energy industry, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Global Nuclear Energy
5 Assessment and Cooperation Act”.
6 SEC. 2. GLOBAL NUCLEAR ENERGY ASSESSMENT STUDY.
7 (a) Study Required.—Not later than 1 year after
8 the date of enactment of this Act, the Secretary of Energy,
in consultation with the Secretary of State, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Commission, shall conduct a study on the global status of—

(1) the civilian nuclear energy industry; and

(2) the supply chains of the civilian nuclear energy industry.

(b) CONTENTS.—The study conducted under subsection (a) shall include—

(1) information on the status of the civilian nuclear energy industry, the long-term risks to such industry, and the basis for such risks;

(2) information on how the use of the civilian nuclear energy industry, relative to other types of energy industries, can reduce the emission of criteria pollutants and carbon dioxide;

(3) information on the role the United States civilian nuclear energy industry plays in United States foreign policy;

(4) information on the importance of the United States civilian nuclear energy industry to countries that are allied to the United States;

(5) information on how the United States may collaborate with such countries in developing, deploying, and investing in nuclear technology;
(6) information on how foreign countries use nuclear energy when crafting and implementing their own foreign policy, including such use by foreign countries that are strategic competitors;

(7) an evaluation of how nuclear nonproliferation efforts and nuclear energy safety are affected by the involvement of the United States in—
   (A) international markets; and
   (B) setting civilian nuclear energy industry standards;

(8) an evaluation of how industries in the United States, other than the civilian nuclear energy industry, benefit from the generation of electricity by nuclear power plants;

(9) information on utilities and companies in the United States that are involved in the civilian nuclear energy supply chain, including, with respect to such utilities and companies—
   (A) financial challenges;
   (B) foreign strategic competition; and
   (C) risks to continued operation; and

(10) recommendations for how the United States may—
(A) develop a national strategy to increase the role nuclear energy plays in diplomacy and strategic energy policy; 

(B) develop a strategy to mitigate foreign competitor’s utilization of their civilian nuclear energy industries in diplomacy; 

(C) align its nuclear energy policy with national security objectives; and 

(D) remove regulatory barriers to the development of the United States civilian nuclear energy supply chain. 

(c) REPORT TO CONGRESS.—Not later than 6 months after the study is conducted under subsection (a), the Secretary of Energy shall submit to the appropriate committees of Congress a report on the results of such study. 

SEC. 3. PROGRAM TO TRAIN AND SHARE EXPERTISE. 

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of State and the Commission, shall develop and carry out a program under which the Secretary of Energy shall train foreign nuclear energy experts and standardize practices.
(b) REQUIREMENTS.—In carrying out the program developed under subsection (a), the Secretary of Energy shall—

(1) issue guidance for best safety practices in the global civilian nuclear energy industry based on practices established in the United States;

(2) train foreign nuclear energy experts on the operation and safety practices used by the United States civilian nuclear energy industry;

(3) review global supply chain issues for foreign civilian nuclear energy industries;

(4) identify weaknesses and concerns found in foreign civilian nuclear energy industries; and

(5) establish partnerships with foreign countries that have developed or are developing civilian nuclear energy industries.

(c) FOREIGN NUCLEAR ENERGY EXPERT.—In this section, the term “foreign nuclear energy expert” does not include a person who is from a country—

(1) in which intellectual property theft is legal;

(2) that takes actions to undermine the civilian nuclear energy industry or other critical industries of the United States; or

(3) which the Secretary of Energy determines is inimical to the interest of the United States.
SEC. 4. INTERNATIONAL NUCLEAR REACTOR EXPORT AND INNOVATION ACTIVITIES.

(a) COORDINATION.—The Commission shall—

(1) coordinate all work of the Commission relating to—

(A) issuing a license for the import or export of a nuclear reactor under section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133); and

(B) international regulatory cooperation and assistance relating to nuclear reactors; and

(2) support—

(A) the consideration of international technical standards to assist the design, licensing, and construction of advanced nuclear systems;

(B) efforts to help build competent nuclear regulatory organizations and legal frameworks in foreign countries that are seeking to develop civilian nuclear energy industries; and

(C) exchange programs and training provided to foreign countries relating to civilian nuclear energy industry regulation and oversight to improve nuclear technology licensing.

(b) CONSULTATION.—In supporting exchange programs and training under subsection (a)(2)(C), the Commission shall consult with—
(1) the Secretary of Energy;
(2) the National Laboratories;
(3) the private sector; and
(4) institutions of higher education.

(c) NUCLEAR REACTOR EXPORT AND INNOVATION BRANCH.—The Commission shall establish within the Office of International Programs of the Commission a branch, to be known as the “International Nuclear Reactor Export and Innovation Branch”, to carry out the nuclear reactor export and innovation activities described in subsection (a) as the Commission determines appropriate.

(d) EXCLUSION OF INTERNATIONAL ACTIVITIES FROM THE FEE BASE.—Section 102 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215) is amended—

(1) in subsection (a), by adding at the end the following:

“(4) INTERNATIONAL NUCLEAR REACTOR EXPORT AND INNOVATION ACTIVITIES.—The Commission shall identify in the annual budget justification international nuclear reactor export and innovation activities described in section 4(a) of the Global Nuclear Energy Assessment and Cooperation Act.”; and
(2) in subsection (b)(1)(B), by adding at the end the following:

“(iv) Costs for international nuclear reactor export and innovation activities described in section 4(a) of the Global Nuclear Energy Assessment and Cooperation Act.”.

SEC. 5. DENIAL OF CERTAIN DOMESTIC LICENSES FOR NATIONAL SECURITY PURPOSES.

(a) DEFINITION OF COVERED FUEL.—In this section, the term “covered fuel” means enriched uranium that is fabricated into fuel assemblies for nuclear reactors by an entity that—

(1) is owned or controlled by the Government of the Russian Federation or the Government of the People’s Republic of China; or

(2) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation or the People’s Republic of China.

(b) PROHIBITION ON UNLICENSED POSSESSION OR OWNERSHIP OF COVERED FUEL.—Unless specifically authorized by the Commission in a license issued under section 53 of the Atomic Energy Act of 1954 (42 U.S.C. 2073), no person subject to the jurisdiction of the Commission may possess or own covered fuel.
(c) License to Possess or Own Covered Fuel.—

(1) Consultation required prior to issuance.—The Commission shall not issue a license to possess or own covered fuel under section 53 of the Atomic Energy Act of 1954 (42 U.S.C. 2073), unless the Commission has first consulted with the Secretary of Energy and the Secretary of State before issuing the license.

(2) Prohibition on issuance of license.—

(A) In general.—Subject to subparagraph (C), a license to possess or own covered fuel shall not be issued if the Secretary of Energy and the Secretary of State make the determination described in subparagraph (B).

(B) Determination.—

(i) In general.—The determination referred to in subparagraph (A) is a determination that possession or ownership, as applicable, of covered fuel poses a threat to the national security of the United States that adversely impacts the physical and economic security of the United States.

(ii) Joint determination.—A determination described in clause (i) shall be
jointly made by the Secretary of Energy and the Secretary of State.

(iii) TIMELINE.—

(I) NOTICE OF APPLICATION.—
Not later than 30 days after the date on which the Commission receives an application for a license to possess or own covered fuel, the Commission shall notify the Secretary of Energy and the Secretary of State of the application.

(II) DETERMINATION.—The Secretary of Energy and the Secretary of State shall have a period of 180 days, beginning on the date on which the Commission notifies the Secretary of Energy and the Secretary of State under subclause (I) of an application for a license to possess or own covered fuel, in which to make the determination described in clause (i).

(III) COMMISSION NOTIFICATION.—On making the determination described in clause (i), the Secretary of Energy and the Secretary of State
shall immediately notify the Commission.

(IV) Congressional Notification.—Not later than 30 days after the date on which the Secretary of Energy and the Secretary of State notify the Commission under subclause (III), the Commission shall notify the appropriate committees of Congress of the determination.

(V) Public Notice.—Not later than 15 days after the date on which the Commission notifies Congress under subclause (IV) of a determination made under clause (i), the Commission shall make that determination publicly available.

(C) Effect of No Determination.—The prohibition described in subparagraph (A) shall not apply if the Secretary of Energy and the Secretary of State do not make the determination described in subparagraph (B) by the date described in clause (iii)(II) of that subparagraph.
SEC. 6. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means each of the following:

(A) The Committee on Energy and Commerce of the House of Representatives.

(B) The Committee on Foreign Affairs of the House of Representatives.

(C) The Committee on Energy and Natural Resources of the Senate.

(D) The Committee on Foreign Relations of the Senate.

(2) COMMISSION.—The term “Commission” means the Nuclear Regulatory Commission.