

115TH CONGRESS
1ST SESSION

S. 95

To require the Secretary of Energy to obtain the consent of affected State and local governments before making an expenditure from the Nuclear Waste Fund for a nuclear waste repository.

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 2017

Mr. HELLER (for himself and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the Secretary of Energy to obtain the consent of affected State and local governments before making an expenditure from the Nuclear Waste Fund for a nuclear waste repository.

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 “Nuclear Waste In-
5 formed Consent Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the terms “affected Indian tribe”, “af-
8 fected unit of local government”, “Commission”, “high-

1 level radioactive waste”, “repository”, “spent nuclear
2 fuel”, and “unit of general local government” have the
3 meanings given the terms in section 2 of the Nuclear
4 Waste Policy Act of 1982 (42 U.S.C. 10101).

5 **SEC. 3. CONSENT BASED APPROVAL.**

6 (a) IN GENERAL.—The Secretary may not make an
7 expenditure from the Nuclear Waste Fund for the costs
8 of the activities described in paragraphs (4) and (5) of
9 section 302(d) of the Nuclear Waste Policy Act of 1982
10 (42 U.S.C. 10222(d)) unless the Secretary has entered
11 into an agreement to host a repository with—

12 (1) the Governor of the State in which the re-
13 pository is proposed to be located;

14 (2) each affected unit of local government;

15 (3) any unit of general local government contig-
16 uous to the affected unit of local government if
17 spent nuclear fuel or high-level radioactive waste will
18 be transported through that unit of general local
19 government for disposal at the repository; and

20 (4) each affected Indian tribe.

21 (b) CONDITIONS ON AGREEMENT.—Any agreement
22 to host a repository under this Act—

23 (1) shall be in writing and signed by all parties;

24 (2) shall be binding on the parties; and

1 (3) shall not be amended or revoked except by
2 mutual agreement of the parties.

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