

“(5) provide a risk mitigation approach to enhance reliability and end-use resilience; and

“(6) address multi-State, Indian Tribe, and regional coordination planning and response, and to the extent practicable, encourage mutual assistance in cyber and physical response plans.

“(c) COORDINATION.—In developing a State energy security plan under this section, the energy office of the State shall, to the extent practicable, coordinate with—

“(1) the public utility or service commission of the State;

“(2) energy providers from the private sector; and

“(3) other entities responsible for maintaining fuel or electric reliability.

“(d) FINANCIAL ASSISTANCE.—A State is not eligible to receive Federal financial assistance under this part, for any purpose, for a fiscal year unless the Governor of such State submits to the Secretary, with respect to such fiscal year—

“(1) a State energy security plan described in subsection (a) that meets the requirements of subsection (b); or

“(2) after an annual review of the State energy security plan by the Governor—

“(A) any necessary revisions to such plan; or

“(B) a certification that no revisions to such plan are necessary.

“(e) TECHNICAL ASSISTANCE.—Upon request of the Governor of a State, the Secretary may provide information and technical assistance, and other assistance, in the development, implementation, or revision of a State energy security plan.

“(f) SUNSET.—This section shall expire on October 31, 2024.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended—

(1) by striking “\$125,000,000” and inserting “\$90,000,000”; and

(2) by striking “2007 through 2012” and inserting “2021 through 2025”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—Section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6323) is amended—

(A) by redesignating subsection (f) as subsection (e); and

(B) by striking subsection (e).

(2) TECHNICAL AMENDMENT.—Section 366(3)(B)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6326(3)(B)(i)) is amended by striking “approved under section 367”.

(3) REFERENCE.—The item relating to “Department of Energy—Energy Conservation” in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a) is amended by striking “sections 361 through 366” and inserting “sections 361 through 367”.

(4) TABLE OF SECTIONS.—The table of sections for part D of title III of the Energy Policy and Conservation Act is amended by adding at the end the following:

“Sec. 367. State energy security plans.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

#### GENERAL LEAVE

Mr. RUSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2114.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 2114, the Enhancing State Energy Security Planning and Emergency Preparedness Act of 2019, and I urge all of my colleagues to support this bill.

Mr. Speaker, H.R. 2114 was introduced by myself and my good friend and colleague from Michigan, the ranking member of the Energy Subcommittee, Mr. UPTON, and I want to thank my colleague for working with me to bring this bill to the floor today.

Mr. Speaker, this legislation would simply amend the Energy Policy and Conservation Act by adding a new section authorizing States to utilize Federal funding received through the State Energy Program to implement, revise, and review a State energy security plan.

H.R. 2114 lays out eligibility requirements for the contents of a State energy security plan to receive assistance and requires the Governor of a State to submit a new plan, revisions to a plan, or to certify that no revisions to the plan are necessary to the Secretary of Energy every year.

These emergency plans have been vital to the States as they continue to improve their ability to identify potential energy disruptions, quantify the effects of disruptions, establish response plans, and limit the risk of further disturbances, whether they be natural or man-made.

Mr. Speaker, now more than ever, it is critical that we provide the resources for States to take even more of a prominent role in advancing smart and sustainable energy policy.

Since their inception in the 1970s, State energy programs, bolstered by Federal aid, have assisted States in developing much-needed energy efficiency and energy conservation measures. Some of these federally assisted initiatives that have been implemented by the States include, but are not limited to, establishing new partnerships to finance retrofit programs, managing loan programs, offering energy savings performance contracts, expanding the use of alternative fuels, and promoting distributed renewable energy.

Mr. Speaker, Federal funding and leadership have always been critical in helping States and local stakeholders identify the roles and responsibilities of the various agencies in times of emergencies, while also supporting training and response exercises.

Mr. Speaker, this bill is a product of a thoughtful and bipartisan negotiation process between Ranking Member UPTON and myself to provide Federal guidance and resources to the States that are most vulnerable to critical energy infrastructure threats. Members on both sides of the aisle support the State Energy Program, and this legislation will help allocate additional re-

sources to further develop and enhance State energy security plans.

Mr. Speaker, I urge all of my colleagues to support this bill, and I reserve the balance of my time.

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

Mr. Speaker, I want to confirm what the chairman said about this bill. It is bipartisan. We worked on this together. It is a good bill and it is an important one, which we passed on a voice vote on suspension in the last Congress. It reauthorizes the State Energy Program, and it strengthens our energy emergency planning and preparedness efforts.

As States and communities respond to the damage throughout the Southeast and the Mid-Atlantic from Hurricane Dorian, we are reminded how States have to respond to so many different hazards, including hurricanes, earthquakes, floods, fuel supply disruptions, and physical and cyber threats.

This legislation, in fact, provides States with the flexibility that they need to address local energy challenges. It ensures that State energy security planning efforts address fuel supply issues, assess State energy profiles, address potential hazards to each energy sector, mitigate risk to enhance reliability, and incorporate regional planning efforts.

□ 1700

This legislation, H.R. 2114, helps States protect fuel and electric infrastructure from both physical and cyber threats and other vulnerabilities. It makes sure that we are thinking ahead, not just about an actual threat, but how our energy and electric systems might be vulnerable in a broader sense.

The bill also encourages mutual assistance, an essential part of responding and restoring, in the event of an energy emergency. So prioritizing and elevating security planning and emergency preparedness is, in fact, an important step in the face of increased threats, vulnerabilities, and interdependencies of energy infrastructure and end-use systems.

It is a bipartisan bill. It is a good bill. I urge all of my colleagues to vote for it, and I yield back the balance of my time.

Mr. RUSH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 2114.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ADVANCED NUCLEAR FUEL AVAILABILITY ACT

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1760) to require the Secretary of Energy to establish and carry out a program to support the availability of HA-LEU for domestic commercial use, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1760

*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 “Advanced Nuclear Fuel Availability Act”.

#### SEC. 2. PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary shall establish and carry out, through the Office of Nuclear Energy, a program to support the availability of HA-LEU for domestic commercial use.

(b) **PROGRAM ELEMENTS.**—In carrying out the program under subsection (a), the Secretary—

(1) may provide financial assistance to assist commercial entities to design and license transportation packages for HA-LEU, including canisters for metal, gas, and other HA-LEU compositions;

(2) shall, to the extent practicable—

(A) by January 1, 2022, have commercial entities submit such transportation package designs to the Commission for certification by the Commission under part 71 of title 10, Code of Federal Regulations; and

(B) encourage the Commission to have such transportation package designs so certified by the Commission by January 1, 2024;

(3) not later than January 1, 2021, shall submit to Congress a report on the Department's uranium inventory that may be available to be processed to HA-LEU for purposes of such program, which may not include any uranium allocated by the Secretary for use in support of the atomic energy defense activities of the National Nuclear Security Administration;

(4) not later than 1 year after the date of enactment of this Act, and biennially thereafter through September 30, 2026, shall conduct a survey of stakeholders to estimate the quantity of HA-LEU necessary for domestic commercial use for each of the 5 subsequent years;

(5) shall assess options available for the Secretary to acquire HA-LEU for such program, including an assessment, for each such option, of the cost and amount of time required;

(6) shall establish a consortium, which may include entities involved in any stage of the nuclear fuel cycle, to partner with the Department to support the availability of HA-LEU for domestic commercial use, including by—

(A) providing information to the Secretary for purposes of surveys conducted under paragraph (4); and

(B) purchasing HA-LEU made available to members of the consortium by the Secretary under the program;

(7) shall, prior to acquiring HA-LEU under paragraph (8), in coordination with the consortium established pursuant to paragraph (6), develop a schedule for cost recovery of HA-LEU made available to members of the consortium pursuant to paragraph (8);

(8) may, beginning not later than 3 years after the establishment of a consortium under paragraph (6), acquire HA-LEU, in order, to the extent practicable, to make such HA-LEU available to members of the consortium beginning not later than January 1, 2026, in amounts that are consistent, to the extent practicable, with the quantities estimated under the surveys conducted under paragraph (4); and

(9) shall develop, in consultation with the Commission, criticality benchmark data to assist the Commission in—

(A) the licensing and regulation of category II spent nuclear material fuel fabrication and enrichment facilities under part 70 of title 10, Code of Federal Regulations; and

(B) certification of transportation packages under part 71 of title 10, Code of Federal Regulations.

(c) **APPLICABILITY OF USEC PRIVATIZATION ACT.**—The requirements of subparagraphs (A) and (C) of section 3112(d)(2) of the USEC Privatization Act (42 U.S.C. 2297h–10(d)(2)) shall apply to a sale or transfer of HA-LEU by the Secretary to a member of the consortium under this section.

(d) **FUNDING.**—

(1) **TRANSPORTATION PACKAGE DESIGN.**—

(A) **COST SHARE.**—The Secretary shall ensure that not less than 20 percent of the costs of design and license activities carried out pursuant to subsection (b)(1) are paid by a non-Federal entity.

(B) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out subsection (b)(1)—

(i) \$1,500,000 for fiscal year 2020;

(ii) \$1,500,000 for fiscal year 2021; and

(iii) \$1,500,000 for fiscal year 2022.

(2) **DOE ACQUISITION OF HA-LEU.**—The Secretary may not make commitments under this section (including cooperative agreements (used in accordance with section 6305 of title 31, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HA-LEU unless funds are specifically provided for such purposes in advance in subsequent appropriations Acts, and only to the extent that the full extent of anticipated costs stemming from such commitments is recorded as an obligation up front and in full at the time it is made.

(3) **OTHER COSTS.**—Except as otherwise provided in this subsection, in carrying out this section, the Secretary shall use amounts otherwise authorized to be appropriated to the Secretary.

(e) **SUNSET.**—The authority of the Secretary to carry out the program under this section shall expire on September 30, 2034.

#### SEC. 3. REPORT TO CONGRESS.

Not later than 12 months after the date of enactment of this Act, the Commission shall submit to Congress a report that includes—

(1) identification of updates to regulations, certifications, and other regulatory policies that the Commission determines are necessary in order for HA-LEU to be commercially available, including—

(A) guidance for material control and accountability of category II special nuclear material;

(B) certifications relating to transportation packaging for HA-LEU; and

(C) licensing of enrichment, conversion, and fuel fabrication facilities for HA-LEU, and associated physical security plans for such facilities;

(2) a description of such updates; and

(3) a timeline to complete such updates.

#### SEC. 4. DEFINITIONS.

In this Act:

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

(2) **DEPARTMENT.**—The term “Department” means Department of Energy.

(3) **HA-LEU.**—The term “HA-LEU” means high-assay low-enriched uranium.

(4) **HIGH-ASSAY LOW-ENRICHED URANIUM.**—The term “high-assay low-enriched uranium” means uranium having an assay greater than 5.0 percent and less than 20.0 percent enrichment of the uranium-235 isotope.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 1760.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 1760, the Advanced Nuclear Fuel Availability Act introduced by my colleagues on the Energy and Commerce Committee, Mr. FLORES from Texas and Mr. McNERNEY from California.

This legislation, Mr. Speaker, will help facilitate the availability of high-assay low-enriched uranium, the fuel required for most advanced nuclear reactor design. Mr. Speaker, there is no existing commercial market for this fuel.

In order to ensure that this fuel is available for advanced reactors in the United States when they are fully licensed and ready to provide consumers with electricity, the Federal Government will need to coordinate efforts among agencies and within the commercial nuclear sector to ensure that high-assay low-enriched uranium can be licensed and transported safely.

Mr. Speaker, we must develop a domestic market for the fuel needed to power these advanced nuclear reactor projects that are coming into the market in the near future.

Mr. Speaker, I want to thank my colleagues on the Energy and Commerce Committee, both Mr. FLORES and Mr. McNERNEY, for developing this thoughtful and much-needed proposal.

Mr. Speaker, I urge all of my colleagues to support H.R. 1760, and I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. FLORES), the sponsor of the legislation.

Mr. FLORES. Mr. Speaker, I want to start by thanking Mr. UPTON for yielding his time to me.

I rise in support of H.R. 1760, the Advanced Nuclear Fuel Availability Act, a bill that I introduced with my friend, Mr. McNERNEY, from California.

This bipartisan bill passed the House unanimously in the last Congress. It would ensure that America remains at the forefront of the global race to develop the next generation of nuclear reactor technologies.

Nuclear energy generates approximately 20 percent of our country's always-on baseload electricity for our

homes and businesses. Furthermore, because nuclear emits zero CO<sub>2</sub>, it is also America's largest source of clean and efficient energy.

Most current-generation and legacy nuclear reactors in use today operate on a fuel that is generally enriched below 5 percent. The next generation of advanced nuclear reactors currently under development vary in size and technology compared to current reactors, and they would require a new type of advanced fuel.

This fuel known as high-assay low-enriched uranium, or HA-LEU for short, is enriched at higher levels than what is available in the current commercial market. The bipartisan Advanced Nuclear Fuel Availability Act establishes a public-private partnership through the Department of Energy's Office of Nuclear Energy to support the availability of HA-LEU for domestic commercial use.

A March 2017, survey of advanced reactor developers based in the U.S. found that the lack of availability of advanced fuel is the foremost factor that would impede the development and deployment of advanced nuclear technologies.

Simply put, H.R. 1760 would ensure that a supply of advanced fuel is available for our domestic commercial industry to purchase and to power the advanced reactors of tomorrow.

Global energy demand will continue to increase and zero-emissions nuclear power is the ultimate green source to meet future generations' needs. It is important to pass this bill to give American innovators a competitive edge in designing and deploying the reactors of tomorrow.

Mr. Speaker, I thank Mr. MCNERNEY again for coleading H.R. 1760 with me, as well as our committee leadership and staff for their assistance in bringing this legislation forward.

I, again, urge my colleagues to support this bipartisan bill so we can power the 21st century economy in an environmentally friendly, zero emissions manner for hardworking American families.

Mr. RUSH. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, this legislation, H.R. 1760, the Advanced Nuclear Fuel Availability Act, is, in fact, another bipartisan bill sponsored by Mr. FLORES, who just spoke, along with JERRY MCNERNEY from California.

At the end of the last Congress, the House passed the identical bill on suspension and also on a voice vote after the Energy and Commerce Committee had reported the bill favorably and also on a voice vote.

Nuclear innovators face a critical challenge as they work to bring several promising advanced nuclear technologies to the market. These new designs require fuels that have different attributes than what is used in today's fleet of nuclear reactors, but the fuels are not commercially available.

So this bill ensures nuclear innovators will, in fact, have the advanced fuels needed to develop and demonstrate their products commercially. The bill provides a direct path to align advanced nuclear fuel supply with initial demand for the deployment of next generation nuclear technologies. It provides for the development of the technical information necessary to assist the creation of the regulatory licensing framework for these fuels.

The bill also directs the Secretary of Energy to establish a temporary program, operating to support a public-private partnership that is going to make what is known as high-assay low-enriched uranium available for use in the first-of-a-kind advanced nuclear reactor designs.

It is going to provide for the information necessary to inform the new-market developments and cost recovery for any initial Federal investment.

So, in short, the Advanced Nuclear Fuel Availability Act takes the necessary steps to ensure that the infrastructure will be in place in time to enable the development and deployment of a new generation of nuclear technologies across the U.S.

It is an important bill for ensuring the Nation's international leadership on nuclear technology to ensure that our energy security and achieving our clean-energy goals are, in fact, done.

I urge my colleagues to support this bill and when it passes, I urge our Senate colleagues to adopt it as well. It is a bipartisan bill and, again, I congratulate the leadership on both sides of the aisle for bringing this bill to the floor for debate in a vote this afternoon.

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

Mr. RUSH. Mr. Speaker, I, again, associate myself with the remarks of the gentleman from Michigan, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 1760.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 10 minutes p.m.), the House stood in recess.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. TITUS) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Motions to suspend the rules and pass:

H.R. 1420; and

H.R. 1768.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

## ENERGY EFFICIENT GOVERNMENT TECHNOLOGY ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1420) to amend the Energy Independence and Security Act of 2007 to promote energy efficiency via information and computing technologies, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 384, nays 23, not voting 25, as follows:

[Roll No. 515]

YEAS—384

Adams	Carter (GA)	Demings
Aderholt	Carter (TX)	DeSaulnier
Aguilar	Cartwright	DesJarlais
Allen	Case	Diaz-Balart
Allred	Casten (IL)	Dingell
Amodei	Castor (FL)	Doggett
Armstrong	Castro (TX)	Doyle, Michael
Arrington	Chabot	F.
Axne	Cheney	Duffy
Babin	Chu, Judy	Duncan
Bacon	Ciциlline	Dunn
Baird	Cisneros	Emmer
Balderson	Clark (MA)	Engel
Banks	Clarke (NY)	Escobar
Barr	Clay	Eshoo
Barragán	Cleaver	Espallat
Bass	Cloud	Estes
Beatty	Cohen	Evans
Bera	Cole	Ferguson
Bergman	Collins (NY)	Finkenauer
Beyer	Conaway	Fitzpatrick
Billirakis	Connolly	Fleischmann
Bishop (GA)	Cook	Fletcher
Bishop (UT)	Cooper	Flores
Blunt Rochester	Correa	Fortenberry
Bonamici	Courtney	Foster
Bost	Cox (CA)	Fox (NC)
Boyle, Brendan	Craig	Frankel
F.	Crawford	Fudge
Brady	Crenshaw	Gabbard
Brindisi	Crist	Gaetz
Brooks (IN)	Crow	Gallagher
Brown (MD)	Cuellar	Gallego
Brownley (CA)	Cunningham	Garamendi
Buchanan	Curtis	Garcia (IL)
Buck	Davids (KS)	Garcia (TX)
Bucshon	Davis (CA)	Gianforte
Budd	Davis, Danny K.	Gibbs
Burgess	Davis, Rodney	Golden
Bustos	Dean	Gomez
Butterfield	DeFazio	Gonzalez (OH)
Calvert	DeGette	Gonzalez (TX)
Carbajal	DeLauro	Gottheimer
Cárdenas	DelBene	Granger
Carson (IN)	Delgado	Graves (GA)