

117TH CONGRESS
2D SESSION

H. R. 9098

To provide for civil nuclear coordination and strategy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2022

Mr. CLYBURN (for himself and Mr. DONALDS) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Energy and Commerce, Science, Space, and Technology, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for civil nuclear coordination and strategy, 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 “International Nuclear
5 Energy Act of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ADVANCED NUCLEAR REACTOR.**—The term
9 “advanced nuclear reactor” has the meaning given

1 the term in section 951(b) of the Energy Policy Act
2 of 2005 (42 U.S.C. 16271(b)).

3 (2) ALLY OR PARTNER NATION.—The term
4 “ally or partner nation” means—

5 (A) the government of any country that is
6 a member of the Organisation for Economic Co-
7 operation and Development;

8 (B) the Government of the Republic of
9 India; and

10 (C) the government of any country des-
11 ignated as an ally or partner nation by the Sec-
12 retary of State for purposes of this Act.

13 (3) ASSISTANT.—The term “Assistant” means
14 the Assistant to the President and Director for
15 International Nuclear Energy Policy described in
16 section 3(a)(1)(D).

17 (4) ASSOCIATED ENTITY.—The term “associ-
18 ated entity” means an entity that—

19 (A) is owned, controlled, or operated by—

20 (i) an ally or partner nation; or

21 (ii) an associated individual; or

22 (B) is organized under the laws of, or oth-
23 erwise subject to the jurisdiction of, a country
24 described in paragraph (2), including a corpora-

1 tion that is incorporated in a country described
2 in that paragraph.

3 (5) ASSOCIATED INDIVIDUAL.—The term “asso-
4 ciated individual” means a foreign national who is a
5 national of a country described in paragraph (2).

6 (6) CIVIL NUCLEAR.—The term “civil nuclear”
7 means activities relating to—

8 (A) nuclear plant construction;

9 (B) nuclear fuel services;

10 (C) nuclear energy financing;

11 (D) nuclear plant operations;

12 (E) nuclear plant regulation;

13 (F) nuclear medicine;

14 (G) nuclear safety;

15 (H) community engagement in areas in
16 reasonable proximity to nuclear sites;

17 (I) infrastructure support for nuclear en-
18 ergy;

19 (J) nuclear plant decommissioning;

20 (K) nuclear liability;

21 (L) safe storage and safe disposal of spent
22 nuclear fuel;

23 (M) environmental safeguards;

24 (N) nuclear nonproliferation and security;

25 and

1 (O) technology related to the matters de-
2 scribed in subparagraphs (A) through (N).

3 (7) EMBARKING CIVIL NUCLEAR ENERGY NA-
4 TION.—

5 (A) IN GENERAL.—The term “embarking
6 civil nuclear energy nation” means a country
7 that—

8 (i) does not have a civil nuclear pro-
9 gram;

10 (ii) is in the process of developing or
11 expanding a civil nuclear program, includ-
12 ing safeguards and a legal and regulatory
13 framework, for—

14 (I) nuclear safety;

15 (II) nuclear security;

16 (III) radioactive waste manage-
17 ment;

18 (IV) civil nuclear energy;

19 (V) environmental safeguards;

20 (VI) community engagement in
21 areas in reasonable proximity to nu-
22 clear sites;

23 (VII) nuclear liability; or

24 (VIII) advanced nuclear reactor
25 licensing;

1 (iii) is in the process of selecting, de-
2 veloping, constructing, or utilizing ad-
3 vanced light water reactors, advanced nu-
4 clear reactors, or advanced civil nuclear
5 technologies; or

6 (iv) is eligible to receive development
7 lending from the World Bank.

8 (B) EXCLUSIONS.—The term “embarking
9 civil nuclear energy nation” does not include—

10 (i) the People’s Republic of China;

11 (ii) the Russian Federation;

12 (iii) the Republic of Belarus;

13 (iv) the Islamic Republic of Iran;

14 (v) the Democratic People’s Republic
15 of Korea;

16 (vi) the Republic of Cuba;

17 (vii) the Bolivarian Republic of Ven-
18 ezuela;

19 (viii) the Syrian Arab Republic; or

20 (ix) any other country—

21 (I) the property or interests in
22 property of the government of which
23 are blocked pursuant to the Inter-
24 national Emergency Economic Powers
25 Act (50 U.S.C. 1701 et seq.); or

1 (II) the government of which the
2 Secretary of State has determined has
3 repeatedly provided support for acts
4 of international terrorism for purposes
5 of—

6 (aa) section 620A(a) of the
7 Foreign Assistance Act of 1961
8 (22 U.S.C. 2371(a));

9 (bb) section 40(d) of the
10 Arms Export Control Act (22
11 U.S.C. 2780(d));

12 (cc) section 1754(c)(1)(A)(i)
13 of the Export Control Reform
14 Act of 2018 (50 U.S.C.
15 4813(c)(1)(A)(i)); or

16 (dd) any other relevant pro-
17 vision of law.

18 (8) NUCLEAR SAFETY.—The term “nuclear
19 safety” means issues relating to the design, con-
20 struction, operation, or decommissioning of nuclear
21 facilities in a manner that ensures adequate protec-
22 tion of workers, the public, and the environment, in-
23 cluding—

24 (A) the safe operation of nuclear reactors
25 and other nuclear facilities;

- 1 (B) radiological protection of—
2 (i) members of the public;
3 (ii) workers; and
4 (iii) the environment;
5 (C) nuclear waste management;
6 (D) emergency preparedness;
7 (E) nuclear liability; and
8 (F) the safe transportation of nuclear ma-
9 terials.

10 (9) SECRETARY.—The term “Secretary” means
11 the Secretary of Energy.

12 (10) SPENT NUCLEAR FUEL.—The term “spent
13 nuclear fuel” has the meaning given the term in sec-
14 tion 2 of the Nuclear Waste Policy Act of 1982 (42
15 U.S.C. 10101).

16 (11) U.S. NUCLEAR ENERGY COMPANY.—The
17 term “U.S. nuclear energy company” means a com-
18 pany that—

19 (A) is organized under the laws of, or oth-
20 erwise subject to the jurisdiction of, the United
21 States; and

22 (B) is involved in the nuclear energy indus-
23 try.

1 **SEC. 3. CIVIL NUCLEAR COORDINATION AND STRATEGY.**

2 (a) WHITE HOUSE FOCAL POINT ON COORDINA-
3 TION.—

4 (1) SENSE OF CONGRESS.—Given the critical
5 importance of developing and implementing, with
6 input from various agencies throughout the executive
7 branch, a cohesive policy with respect to inter-
8 national efforts related to civil nuclear energy, it is
9 the sense of Congress that—

10 (A) there should be a focal point within the
11 White House, which may, if determined to be
12 appropriate, report to the National Security
13 Council, for coordination on issues relating to
14 those efforts;

15 (B) to provide that focal point, the Presi-
16 dent should establish, within the Executive Of-
17 fice of the President, an office, to be known as
18 the “Office of the Assistant to the President
19 and Director for International Nuclear Energy
20 Policy” (referred to in this subsection as the
21 “Office”);

22 (C) the Office should act as a coordinating
23 office for—

24 (i) international civil nuclear coopera-
25 tion; and

26 (ii) civil nuclear export strategy;

1 (D) the Office should be headed by an in-
2 dividual appointed as an Assistant to the Presi-
3 dent with the title of “Director for Inter-
4 national Nuclear Energy Policy”; and

5 (E) the Office should—

6 (i) coordinate civil nuclear export poli-
7 cies for the United States;

8 (ii) develop, in coordination with the
9 officials described in paragraph (2), a co-
10 hesive Federal strategy for engagement
11 with foreign governments (including ally or
12 partner nations and the governments of
13 embarking civil nuclear energy nations),
14 associated entities, and associated individ-
15 uals with respect to civil nuclear exports;

16 (iii) coordinate with the officials de-
17 scribed in paragraph (2) to ensure that
18 necessary framework agreements and trade
19 controls relating to civil nuclear materials
20 and technologies are in place for key mar-
21 kets; and

22 (iv) develop—

23 (I) a whole-of-government coordi-
24 nating strategy for civil nuclear co-
25 operation;

1 (II) a whole-of-government strat-
2 egy for civil nuclear exports; and

3 (III) a whole-of-government ap-
4 proach to support appropriate foreign
5 investment in civil nuclear energy
6 projects supported by the United
7 States in embarking civil nuclear en-
8 ergy nations.

9 (2) OFFICIALS DESCRIBED.—The officials re-
10 ferred to in paragraph (1)(E) are—

11 (A) the appropriate officials of—

- 12 (i) the Department of State;
- 13 (ii) the Department of Energy;
- 14 (iii) the Department of Commerce;
- 15 (iv) the Department of Transpor-
16 tation;
- 17 (v) the Nuclear Regulatory Commis-
18 sion;
- 19 (vi) the Department of Defense;
- 20 (vii) the National Security Council;
- 21 (viii) the National Economic Council;
- 22 (ix) the Office of the United States
23 Trade Representative;
- 24 (x) the Office of Management and
25 Budget;

1 (xi) the Office of the Director of Na-
2 tional Intelligence;

3 (xii) the Export-Import Bank of the
4 United States;

5 (xiii) the United States International
6 Development Finance Corporation;

7 (xiv) the United States Agency for
8 International Development;

9 (xv) the United States Trade and De-
10 velopment Agency;

11 (xvi) the Office of Science and Tech-
12 nology Policy; and

13 (xvii) any other Federal agency that
14 the President determines to be appro-
15 priate; and

16 (B) appropriate officials representing for-
17 eign countries and governments, including—

18 (i) ally or partner nations;

19 (ii) embarking civil nuclear energy na-
20 tions; and

21 (iii) any other country or government
22 that the Assistant (if appointed) and the
23 officials described in subparagraph (A)
24 jointly determine to be appropriate.

25 (b) NUCLEAR EXPORTS WORKING GROUP.—

1 (1) ESTABLISHMENT.—There is established a
2 working group, to be known as the “Nuclear Ex-
3 ports Working Group” (referred to in this subsection
4 as the “working group”).

5 (2) COMPOSITION.—The working group shall be
6 composed of—

7 (A) senior-level Federal officials, selected
8 internally by the applicable Federal agency or
9 organization, from—

10 (i) the Department of State;

11 (ii) the Department of Commerce;

12 (iii) the Department of Energy;

13 (iv) the Department of the Treasury;

14 (v) the Export-Import Bank of the

15 United States;

16 (vi) the United States International
17 Development Finance Corporation;

18 (vii) the Nuclear Regulatory Commis-
19 sion;

20 (viii) the Office of the United States
21 Trade Representative; and

22 (ix) the United States Trade and De-
23 velopment Agency; and

24 (B) other senior-level Federal officials, se-
25 lected internally by the applicable Federal agen-

1 cy or organization, from any other Federal
2 agency or organization that the Secretary deter-
3 mines to be appropriate.

4 (3) REPORTING.—The working group shall re-
5 port to the appropriate White House official, which
6 may be the Assistant (if appointed).

7 (4) DUTIES.—The working group shall submit
8 to the Civil Nuclear Trade Advisory Committee of
9 the Department of Commerce and the Nuclear En-
10 ergy Advisory Committee of the Department of En-
11 ergy quarterly reports on the standing of civil nu-
12 clear exports from the United States, including with
13 respect to meeting the targets established as part of
14 the 5-year civil nuclear trade strategy described in
15 paragraph (5)(A).

16 (5) STRATEGY.—

17 (A) IN GENERAL.—Not later than 1 year
18 after the date of enactment of this Act, the
19 working group shall establish a 10-year civil nu-
20 clear trade strategy, including biennial targets
21 for the export of civil nuclear technologies, in-
22 cluding light water and non-light water reactors
23 and associated equipment and technologies, civil
24 nuclear materials, and nuclear fuel that align

1 with meeting international energy demand while
2 seeking to avoid or reduce emissions.

3 (B) COLLABORATION REQUIRED.—In es-
4 tablishing the strategy under subparagraph (A),
5 the working group shall collaborate with—

6 (i) the Secretary;

7 (ii) the Secretary of Commerce;

8 (iii) the Secretary of State;

9 (iv) the Secretary of the Treasury;

10 (v) the Nuclear Regulatory Commis-
11 sion;

12 (vi) the President of the Export-Im-
13 port Bank of the United States;

14 (vii) the Chief Executive Officer of the
15 United States International Development
16 Finance Corporation;

17 (viii) the United States Trade Rep-
18 resentative; and

19 (ix) representatives of private indus-
20 try.

21 **SEC. 4. ENGAGEMENT WITH ALLY OR PARTNER NATIONS.**

22 (a) IN GENERAL.—The President shall launch, in ac-
23 cordance with applicable nuclear technology export laws
24 (including regulations), an international initiative to mod-

1 ernize the civil nuclear outreach to embarking civil nuclear
2 energy nations.

3 (b) FINANCING.—In carrying out the initiative de-
4 scribed in subsection (a), the President, acting through
5 an appropriate Federal official, who may be the Assistant
6 (if appointed) or the Chief Executive Officer of the Inter-
7 national Development Finance Corporation, if determined
8 to be appropriate, and in coordination with the officials
9 described in section 3(a)(2), may, if the President deter-
10 mines to be appropriate, seek to establish cooperative fi-
11 nancing relationships for the export of civil nuclear tech-
12 nology, components, materials, and infrastructure to em-
13 barking civil nuclear energy nations.

14 (c) ACTIVITIES.—In carrying out the initiative de-
15 scribed in subsection (a), the President shall—

16 (1) assist nongovernmental organizations and
17 appropriate offices, administrations, agencies, lab-
18 oratories, and programs of the Department of En-
19 ergy and other relevant Federal agencies and offices
20 in providing education and training to foreign gov-
21 ernments in nuclear safety, security, and safe-
22 guards—

23 (A) through engagement with the Inter-
24 national Atomic Energy Agency; or

1 (B) independently, if the applicable entity
2 determines that it would be more advantageous
3 under the circumstances to provide the applica-
4 ble education and training independently;

5 (2) assist the efforts of the International Atom-
6 ic Energy Agency to expand the support provided by
7 the International Atomic Energy Agency to embark-
8 ing civil nuclear energy nations for nuclear safety,
9 security, and safeguards;

10 (3) coordinate the work of the Chief Executive
11 Officer of the United States International Develop-
12 ment Finance Corporation to expand outreach to the
13 private investment community to create public-pri-
14 vate financing relationships to assist in the export of
15 civil nuclear technology to embarking civil nuclear
16 energy nations;

17 (4) seek to better coordinate, to the maximum
18 extent practicable, the work carried out by each of—

19 (A) the Nuclear Regulatory Commission;

20 (B) the Department of Energy;

21 (C) the Department of Commerce;

22 (D) the Nuclear Energy Agency;

23 (E) the International Atomic Energy
24 Agency; and

1 (F) the nuclear regulatory agencies and or-
2 ganizations of embarking civil nuclear energy
3 nations and ally or partner nations; and

4 (5) improve the efficient and effective exporting
5 and importing of civil nuclear technologies and ma-
6 terials.

7 **SEC. 5. COOPERATIVE FINANCING RELATIONSHIPS WITH**
8 **ALLY OR PARTNER NATIONS AND EMBARK-**
9 **ING CIVIL NUCLEAR ENERGY NATIONS.**

10 (a) IN GENERAL.—The President shall designate an
11 appropriate White House official, who may be the Assist-
12 ant (if appointed), and the Chief Executive Officer of the
13 United States International Development Finance Cor-
14 poration to coordinate with the officials described in sec-
15 tion 3(a)(2) to develop, as the President determines to be
16 appropriate, financing relationships with ally or partner
17 nations to advance civil nuclear exports from the United
18 States or ally or partner nations to embarking civil nuclear
19 energy nations.

20 (b) UNITED STATES COMPETITIVENESS CLAUSES.—

21 (1) DEFINITION OF UNITED STATES COMPETI-
22 TIVENESS CLAUSE.—In this subsection, the term
23 “United States competitiveness clause” means any
24 United States competitiveness provision in any

1 agreement entered into by the Department of En-
2 ergy, including—

3 (A) a cooperative agreement;

4 (B) a cooperative research and develop-
5 ment agreement; and

6 (C) a patent waiver.

7 (2) CONSIDERATION.—In carrying out sub-
8 section (a), the relevant officials described in that
9 subsection shall consider the impact of United
10 States competitiveness clauses on any financing rela-
11 tionships entered into or proposed to be entered into
12 under that subsection.

13 (3) WAIVER.—The Secretary shall facilitate
14 waivers of United States competitiveness clauses as
15 necessary to facilitate financing relationships with
16 ally or partner nations under subsection (a).

17 **SEC. 6. COOPERATION WITH ALLY OR PARTNER NATIONS**
18 **ON ADVANCED NUCLEAR REACTOR DEM-**
19 **ONSTRATION AND COOPERATIVE RESEARCH**
20 **FACILITIES FOR CIVIL NUCLEAR ENERGY.**

21 (a) IN GENERAL.—Not later than 2 years after the
22 date of enactment of this Act, the Secretary of State, in
23 coordination with the Secretary and the Secretary of Com-
24 merce, shall conduct bilateral and multilateral meetings
25 with not fewer than 5 ally or partner nations, with the

1 aim of enhancing nuclear energy cooperation among those
2 ally or partner nations and the United States, for the pur-
3 pose of developing collaborative relationships with respect
4 to research, development, licensing, and deployment of ad-
5 vanced nuclear reactor technologies for civil nuclear en-
6 ergy.

7 (b) REQUIREMENT.—The meetings described in sub-
8 section (a) shall include—

9 (1) a focus on cooperation to demonstrate and
10 deploy advanced nuclear reactors, with an emphasis
11 on U.S. nuclear energy companies, during the 10-
12 year period beginning on the date of enactment of
13 this Act to provide options for addressing climate
14 change by 2050; and

15 (2) a focus on developing a memorandum of un-
16 derstanding or any other appropriate agreement be-
17 tween the United States and ally or partner nations
18 with respect to—

19 (A) the demonstration and deployment of
20 advanced nuclear reactors; and

21 (B) the development of cooperative re-
22 search facilities.

23 (c) FINANCING ARRANGEMENTS.—In conducting the
24 meetings described in subsection (a), the Secretary of
25 State, in coordination with the Secretary and the Sec-

1 retary of Commerce, shall seek to develop financing ar-
2 rangements to share the costs of the demonstration and
3 deployment of advanced nuclear reactors and the develop-
4 ment of cooperative research facilities with the ally or
5 partner nations participating in those meetings.

6 (d) REPORT.—Not later than 1 year after the date
7 of enactment of this Act, the Secretary, the Secretary of
8 State, and the Secretary of Commerce shall jointly submit
9 to Congress a report highlighting potential partners—

10 (1) for the establishment of cost-share arrange-
11 ments described in subsection (c); or

12 (2) with which the United States may enter
13 into agreements with respect to—

14 (A) the demonstration of advanced nuclear
15 reactors; or

16 (B) cooperative research facilities.

17 **SEC. 7. INTERNATIONAL CIVIL NUCLEAR ENERGY CO-**
18 **OPERATION.**

19 Section 959B of the Energy Policy Act of 2005 (42
20 U.S.C. 16279b) is amended—

21 (1) in the matter preceding paragraph (1), by
22 striking “The Secretary” and inserting the fol-
23 lowing:

24 “(a) IN GENERAL.—The Secretary”;

25 (2) in subsection (a) (as so designated)—

1 (A) in paragraph (1)—

2 (i) by striking “financing,”; and

3 (ii) by striking “and” after the semi-
4 colon at the end;

5 (B) in paragraph (2)—

6 (i) in subparagraph (A), by striking
7 “preparations for”; and

8 (ii) in subparagraph (C)(v), by strik-
9 ing the period at the end and inserting a
10 semicolon; and

11 (C) by adding at the end the following:

12 “(3) to support, in consultation with the Sec-
13 retary of State, the safe, secure, and peaceful use of
14 civil nuclear technology in countries developing nu-
15 clear energy programs, with a focus on countries
16 that have increased civil nuclear cooperation with
17 the Russian Federation or the People’s Republic of
18 China; and

19 “(4) to promote the fullest utilization of the re-
20 actors, fuel, equipment, services, and technology of
21 U.S. nuclear energy companies (as defined in section
22 2 of the International Nuclear Energy Act of 2022)
23 in civil nuclear energy programs outside the United
24 States through—

1 “(A) bilateral and multilateral arrange-
2 ments developed and executed in coordination
3 with the Secretary of State that contain com-
4 mitments for the utilization of the reactors,
5 fuel, equipment, services, and technology of
6 U.S. nuclear energy companies (as defined in
7 that section);

8 “(B) the designation of 1 or more U.S. nu-
9 clear energy companies (as defined in that sec-
10 tion) to implement an arrangement under sub-
11 paragraph (A) if the Secretary determines that
12 the designation is necessary and appropriate to
13 achieve the objectives of this section;

14 “(C) the waiver of any provision of law re-
15 lating to competition with respect to any activ-
16 ity related to an arrangement under subpara-
17 graph (A) if the Secretary, in consultation with
18 the Attorney General and the Secretary of
19 Commerce, determines that a waiver is nec-
20 essary and appropriate to achieve the objectives
21 of this section; and

22 “(D) the issuance of loans, loan guaran-
23 tees, other financial assistance, or assistance in
24 the form of an equity interest to carry out ac-
25 tivities related to an arrangement under sub-

1 paragraph (A), to the extent appropriated funds
2 are available.”; and

3 (3) by adding at the end the following:

4 “(b) REQUIREMENTS.—The program under sub-
5 section (a) shall—

6 “(1) with respect to the function described in
7 subsection (a)(3), be modeled after the International
8 Military Education and Training program of the De-
9 partment of State; and

10 “(2) be authorized and directed by the Sec-
11 retary of State and implemented by the Secretary—

12 “(A) to facilitate, to the maximum extent
13 practicable, workshops and expert-based ex-
14 changes to engage industry, stakeholders, and
15 foreign governments with respect to inter-
16 national civil nuclear issues, such as—

17 “(i) training;

18 “(ii) financing;

19 “(iii) safety;

20 “(iv) security;

21 “(v) safeguards;

22 “(vi) liability;

23 “(vii) advanced fuels;

24 “(viii) operations; and

1 “(ix) options for multinational co-
2 operation with respect to the disposal of
3 spent nuclear fuel (as defined in section 2
4 of the Nuclear Waste Policy Act of 1982
5 (42 U.S.C. 10101)); and
6 “(B) in coordination with—
7 “(i) the National Security Council;
8 “(ii) the Secretary of State;
9 “(iii) the Secretary of Commerce; and
10 “(iv) the Nuclear Regulatory Commis-
11 sion.

12 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated to the Secretary to carry
14 out subsection (a)(3) \$15,500,000 for each of fiscal years
15 2023 through 2027.”.

16 **SEC. 8. INTERNATIONAL CIVIL NUCLEAR PROGRAM SUP-**
17 **PORT.**

18 (a) IN GENERAL.—Not later than 120 days after the
19 date of enactment of this Act, the Secretary of State, in
20 coordination with the Secretary and the Assistant (if ap-
21 pointed), shall launch an international initiative (referred
22 to in this section as the “initiative”) to provide financial
23 assistance to, and facilitate the building of technical ca-
24 pacities by, in accordance with this section, embarking

1 civil nuclear energy nations for activities relating to the
2 development of civil nuclear energy programs.

3 (b) FINANCIAL ASSISTANCE.—

4 (1) IN GENERAL.—In carrying out the initia-
5 tive, the Secretary of State, in coordination with the
6 Secretary and the Assistant (if appointed), may
7 award grants of financial assistance to embarking
8 civil nuclear energy nations in accordance with this
9 subsection—

10 (A) for activities relating to the develop-
11 ment of civil nuclear energy programs; and

12 (B) to facilitate the building of technical
13 capacities for those activities.

14 (2) AMOUNT.—The amount of a grant of finan-
15 cial assistance under paragraph (1) shall be not
16 more than \$5,500,000.

17 (3) LIMITATIONS.—The Secretary of State, in
18 coordination with the Secretary and the Assistant (if
19 appointed), may award—

20 (A) not more than 1 grant of financial as-
21 sistance under paragraph (1) to any 1 embark-
22 ing civil nuclear energy nation each fiscal year;
23 and

1 (B) not more than a total of 5 grants of
2 financial assistance under paragraph (1) to any
3 1 embarking civil nuclear energy nation.

4 (c) SENIOR ADVISORS.—

5 (1) IN GENERAL.—In carrying out the initia-
6 tive, the Secretary of State, in coordination with the
7 Secretary and the Assistant (if appointed), may pro-
8 vide financial assistance to an embarking civil nu-
9 clear energy nation for the purpose of contracting
10 with a U.S. nuclear energy company to hire 1 or
11 more senior advisors to assist the embarking civil
12 nuclear energy nation in establishing a civil nuclear
13 program.

14 (2) REQUIREMENT.—A senior advisor described
15 in paragraph (1) shall have relevant experience and
16 qualifications to advise the embarking civil nuclear
17 energy nation on, and facilitate on behalf of the em-
18 barking civil nuclear energy nation, 1 or more of the
19 following activities:

20 (A) The development of financing relation-
21 ships.

22 (B) The development of a standardized fi-
23 nancing and project management framework for
24 the construction of nuclear power plants.

1 (C) The development of a standardized li-
2 censing framework for—

3 (i) light water civil nuclear tech-
4 nologies; and

5 (ii) non-light water civil nuclear tech-
6 nologies and advanced nuclear reactors.

7 (D) The identification of qualified organi-
8 zations and service providers.

9 (E) The identification of funds to support
10 payment for services required to develop a civil
11 nuclear program.

12 (F) Market analysis.

13 (G) The identification of the safety, secu-
14 rity, safeguards, and nuclear governance re-
15 quired for a civil nuclear program.

16 (H) Risk allocation, risk management, and
17 nuclear liability.

18 (I) Technical assessments of nuclear reac-
19 tors and technologies.

20 (J) The identification of actions necessary
21 to participate in a global nuclear liability re-
22 gime based on the Convention on Supple-
23 mentary Compensation for Nuclear Damage,
24 with Annex, done at Vienna September 12,
25 1997 (TIAS 15–415).

1 (K) Stakeholder engagement.

2 (L) Management of spent nuclear fuel and
3 nuclear waste.

4 (M) Any other major activities to support
5 the establishment of a civil nuclear program,
6 such as the establishment of export, financing,
7 construction, training, operations, and edu-
8 cation requirements.

9 (3) CLARIFICATION.—Financial assistance
10 under this subsection may be provided to an em-
11 barking civil nuclear energy nation in addition to
12 any financial assistance provided to that embarking
13 civil nuclear energy nation under subsection (b).

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Secretary of State
16 to carry out the initiative \$50,000,000 for each of fiscal
17 years 2023 through 2027.

18 **SEC. 9. BIENNIAL CABINET-LEVEL INTERNATIONAL CON-**
19 **FERENCE ON NUCLEAR SAFETY, SECURITY,**
20 **SAFEGUARDS, AND SUSTAINABILITY.**

21 (a) IN GENERAL.—The President, in coordination
22 with international partners, as determined by the Presi-
23 dent, and industry, shall hold a biennial conference on civil
24 nuclear safety, security, safeguards, and sustainability (re-
25 ferred to in this section as a “conference”).

1 (b) CONFERENCE FUNCTIONS.—It is the sense of
2 Congress that each conference should—

3 (1) be a forum in which ally or partner nations
4 may engage with each other for the purpose of rein-
5 forcing the commitment to—

6 (A) nuclear safety, security, safeguards,
7 and sustainability;

8 (B) environmental safeguards; and

9 (C) local community engagement in areas
10 in reasonable proximity to nuclear sites; and

11 (2) facilitate—

12 (A) the development of—

13 (i) joint commitments and goals to
14 improve—

15 (I) nuclear safety, security, safe-
16 guards, and sustainability;

17 (II) environmental safeguards;
18 and

19 (III) local community engage-
20 ment in areas in reasonable proximity
21 to nuclear sites;

22 (ii) stronger international institutions
23 that support nuclear safety, security, safe-
24 guards, and sustainability;

1 (iii) cooperative financing relation-
2 ships to promote competitive alternatives
3 to Chinese and Russian financing;

4 (iv) a standardized financing and
5 project management framework for the
6 construction of civil nuclear power plants;

7 (v) a standardized licensing frame-
8 work for civil nuclear technologies;

9 (vi) a strategy to change internal poli-
10 cies of multinational development banks,
11 such as the World Bank, to support the fi-
12 nancing of civil nuclear projects;

13 (vii) a document containing any les-
14 sons learned from countries that have
15 partnered with the Russian Federation or
16 the People's Republic of China with re-
17 spect to civil nuclear power, including any
18 detrimental outcomes resulting from that
19 partnership; and

20 (viii) a global civil nuclear liability re-
21 gime;

22 (B) cooperation for enhancing the overall
23 aspects of civil nuclear power, such as—

24 (i) nuclear safety, security, safe-
25 guards, and sustainability;

- 1 (ii) nuclear laws (including regula-
2 tions);
3 (iii) waste management;
4 (iv) quality management systems;
5 (v) technology transfer;
6 (vi) human resources development;
7 (vii) localization;
8 (viii) reactor operations;
9 (ix) nuclear liability; and
10 (x) decommissioning; and

11 (C) the development and determination of
12 the mechanisms described in paragraphs (7)
13 and (8) of section 10(a), if the President in-
14 tends to establish an Advanced Reactor Coordi-
15 nation and Resource Center as described in
16 that section.

17 (c) INPUT FROM INDUSTRY AND GOVERNMENT.—It
18 is the sense of Congress that each conference should in-
19 clude a meeting that convenes nuclear industry leaders
20 and leaders of government agencies with expertise relating
21 to nuclear safety, security, safeguards, or sustainability to
22 discuss best practices relating to—

- 23 (1) the safe and secure use, storage, and trans-
24 port of nuclear and radiological materials;

1 (2) managing the evolving cyber threat to nu-
2 clear and radiological security; and

3 (3) the role that the nuclear industry should
4 play in nuclear and radiological safety, security, and
5 safeguards, including with respect to the safe and
6 secure use, storage, and transport of nuclear and ra-
7 diological materials, including spent nuclear fuel and
8 nuclear waste.

9 **SEC. 10. ADVANCED REACTOR COORDINATION AND RE-**
10 **SOURCE CENTER.**

11 (a) IN GENERAL.—The President shall consider the
12 feasibility of establishing a center, to be known as the
13 “Advanced Reactor Coordination and Resource Center”
14 (referred to in this section as the “Center”), for the pur-
15 poses of—

16 (1) identifying qualified organizations and serv-
17 ice providers—

18 (A) for embarking civil nuclear energy na-
19 tions;

20 (B) to develop and assemble documents,
21 contracts, and related items required to estab-
22 lish a civil nuclear program; and

23 (C) to develop a standardized model for
24 the establishment of a civil nuclear program

1 that can be used by the International Atomic
2 Energy Agency;

3 (2) coordinating with countries participating in
4 the Center and with the Nuclear Exports Working
5 Group established under section 3(b)—

6 (A) to identify funds to support payment
7 for services required to develop a civil nuclear
8 program;

9 (B) to provide market analysis; and

10 (C) to create—

11 (i) project structure models;

12 (ii) models for electricity market anal-
13 ysis;

14 (iii) models for nonelectric applica-
15 tions market analysis; and

16 (iv) financial models;

17 (3) identifying and developing the safety, secu-
18 rity, safeguards, and nuclear governance required
19 for a civil nuclear program;

20 (4) supporting multinational regulatory stand-
21 ards to be developed by countries with civil nuclear
22 programs and experience;

23 (5) developing and strengthening communica-
24 tions, engagement, and consensus-building;

1 (6) carrying out any other major activities to
2 support export, financing, education, construction,
3 training, and education requirements relating to the
4 establishment of a civil nuclear program;

5 (7) developing mechanisms for how to fund and
6 staff the Center; and

7 (8) determining mechanisms for the selection of
8 the location or locations of the Center.

9 (b) OBJECTIVE.—The President shall carry out sub-
10 section (a) with the objective of establishing the Center
11 if the President determines that it is feasible to do so.

12 **SEC. 11. INVESTMENT BY ALLIES AND PARTNERS OF THE**
13 **UNITED STATES.**

14 (a) COMMERCIAL LICENSES.—Section 103 d. of the
15 Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is
16 amended, in the second sentence—

17 (1) by inserting “for a production facility” after
18 “No license”; and

19 (2) by striking “any any” and inserting “any”.

20 (b) MEDICAL THERAPY AND RESEARCH DEVELOP-
21 MENT LICENSES.—Section 104 d. of the Atomic Energy
22 Act of 1954 (42 U.S.C. 2134(d)) is amended, in the sec-
23 ond sentence, by inserting “for a production facility” after
24 “No license”.

1 **SEC. 12. STRATEGIC INFRASTRUCTURE FUND WORKING**
2 **GROUP.**

3 (a) ESTABLISHMENT.—There is established a work-
4 ing group, to be known as the “Strategic Infrastructure
5 Fund Working Group” (referred to in this section as the
6 “working group”).

7 (b) COMPOSITION.—The working group shall be—

8 (1) led by a White House official, who may be
9 the Assistant (if appointed), who shall serve as the
10 White House focal point with respect to matters re-
11 lating to the working group; and

12 (2) composed of—

13 (A) senior-level Federal officials, selected
14 by the head of the applicable Federal agency or
15 organization, from—

16 (i) the Department of State;

17 (ii) the Department of the Treasury;

18 (iii) the Department of Commerce;

19 (iv) the Department of Energy;

20 (v) the Export-Import Bank of the
21 United States;

22 (vi) the United States International
23 Development Finance Corporation; and

24 (vii) the Nuclear Regulatory Commis-
25 sion;

1 (B) other senior-level Federal officials, se-
2 lected by the head of the applicable Federal
3 agency or organization, from any other Federal
4 agency or organization that the Secretary deter-
5 mines to be appropriate; and

6 (C) any senior-level Federal official se-
7 lected by the White House official described in
8 paragraph (1) from any Federal agency or or-
9 ganization.

10 (c) REPORTING.—The working group shall report to
11 the National Security Council.

12 (d) DUTIES.—The working group shall—

13 (1) provide direction and advice to the officials
14 described in section 3(a)(2)(A) and appropriate Fed-
15 eral agencies, as determined by the working group,
16 with respect to the establishment of a Strategic In-
17 frastructure Fund (referred to in this subsection as
18 the “Fund”) to be used—

19 (A) to support those aspects of projects re-
20 lating to—

21 (i) civil nuclear technologies;

22 (ii) rare earth elements and critical
23 minerals (as defined in section 7002(a) of
24 the Energy Act of 2020 (30 U.S.C.
25 1606(a))); and

1 (iii) microprocessors; and

2 (B) for strategic investments identified by
3 the working group; and

4 (2) address critical areas in determining the ap-
5 propriate design for the Fund, including—

6 (A) transfer of assets to the Fund;

7 (B) transfer of assets from the Fund;

8 (C) how assets in the Fund should be in-
9 vested; and

10 (D) governance and implementation of the
11 Fund.

12 (e) REPORT REQUIRED.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date of the enactment of this Act, the working
15 group shall submit to the committees described in
16 paragraph (2) a report on the findings of the work-
17 ing group that includes suggested legislative text for
18 how to establish and structure a Strategic Infra-
19 structure Fund.

20 (2) COMMITTEES DESCRIBED.—The committees
21 referred to in paragraph (1) are—

22 (A) the Committee on Foreign Relations,
23 the Committee on Commerce, Science, and
24 Transportation, the Committee on Armed Serv-
25 ices, the Committee on Energy and Natural Re-

1 sources, the Committee on Environment and
2 Public Works, and the Committee on Finance
3 of the Senate; and

4 (B) the Committee on Foreign Affairs, the
5 Committee on Energy and Commerce, the Com-
6 mittee on Armed Services, the Committee on
7 Science, Space, and Technology, and the Com-
8 mittee on Ways and Means of the House of
9 Representatives.

10 (3) ADMINISTRATION OF THE FUND.—The re-
11 port submitted under paragraph (1) shall include
12 suggested legislative language requiring all expendi-
13 tures from a Strategic Infrastructure Fund estab-
14 lished in accordance with this section to be adminis-
15 tered by the Secretary of State (or a designee of the
16 Secretary of State).

17 **SEC. 13. UNITED STATES SMALL MODULAR REACTOR INI-**
18 **TIATIVE TO INCREASE COMPETITIVENESS**
19 **AND EXPORT OF UNITED STATES NUCLEAR**
20 **REACTOR TECHNOLOGIES.**

21 (a) OBJECTIVES.—The objectives of this section
22 are—

23 (1) to expeditiously demonstrate domestic origin
24 small modular reactor technology that is competitive
25 in international markets against designs offered by

1 the Russian Federation and the People’s Republic of
2 China;

3 (2) expeditiously promote and develop a domes-
4 tic nuclear supply chain to support near-term inter-
5 national export of small modular reactors; and

6 (3) expeditiously develop and demonstrate small
7 modular reactor technology that utilizes reactor fuels
8 derived from low-enriched uranium.

9 (b) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-
10 tion to amounts otherwise available, there are authorized
11 to be appropriated to the Secretary pursuant to the fund-
12 ing opportunity announcements of the Department num-
13 bered DE–NE0008935 and DE–NE0008928,
14 \$1,439,000,000 for fiscal year 2023, to remain available
15 until September 30, 2031, for ongoing work to support
16 regulatory development, design, and deployment activities.

17 **SEC. 14. U.S. NUCLEAR FUELS SECURITY INITIATIVE TO RE-**

18 **DUCE RELIANCE ON NUCLEAR FUELS FROM**

19 **RUSSIA AND CHINA.**

20 (a) **SENSE OF CONGRESS.**—It is the sense of Con-
21 gress that—

22 (1) the United States and the allies of the
23 United States need to eliminate reliance on the Rus-
24 sian Federation for energy fuels, including all forms
25 of uranium;

1 (2) the Department should—

2 (A) prioritize activities to increase domes-
3 tic production of low-enriched uranium; and

4 (B) accelerate efforts to establish a domes-
5 tic high-assay, low-enriched uranium enrich-
6 ment capability; and

7 (3) if domestic enrichment of high-assay, low-
8 enriched uranium will not be commercially available
9 at the scale needed in time to meet the needs of the
10 advanced nuclear reactor demonstration projects of
11 the Department, the Secretary shall consider and
12 implement, as necessary—

13 (A) all viable options to make high-assay,
14 low-enriched uranium produced from inven-
15 tories owned by the Department available in a
16 manner that is sufficient to maximize the po-
17 tential for the Department to meet the needs
18 and schedules of advanced nuclear reactor de-
19 velopers, without impacting existing Depart-
20 ment missions, until such time that commercial
21 enrichment and deconversion capability for
22 high-assay, low-enriched uranium exists at a
23 scale sufficient to meet future needs; and

1 (B) all viable options for partnering with
2 ally or partner nations to meet those needs and
3 schedules until that time.

4 (b) OBJECTIVES.—The objectives of this section
5 are—

6 (1) to expeditiously increase domestic produc-
7 tion of low-enriched uranium to prevent the reliance
8 of the United States and, to the maximum extent
9 practicable, ally or partner nations on nuclear fuels
10 from—

11 (A) the Russian Federation;

12 (B) the People’s Republic of China; and

13 (C) other countries determined by the Sec-
14 retary to be insecure supply sources with re-
15 spect to low-enriched uranium;

16 (2) to expeditiously increase domestic produc-
17 tion of high-assay, low-enriched uranium by an an-
18 nual quantity, and in such form, determined by the
19 Secretary to be sufficient to meet the needs of—

20 (A) advanced nuclear reactor developers;

21 and

22 (B) the consortium;

23 (3) to ensure the availability of domestically
24 produced, converted, and enriched uranium in a
25 quantity determined by the Secretary, in consulta-

1 tion with U.S. nuclear energy companies, to be suffi-
2 cient to address a reasonably anticipated supply dis-
3 ruption;

4 (4) to address gaps and deficiencies in the do-
5 mestic production, conversion, enrichment,
6 deconversion, and reduction of uranium by
7 partnering with ally or partner nations if domestic
8 options are not practicable;

9 (5) to ensure that, in the event of a supply dis-
10 ruption in the nuclear fuel market, a reserve of nu-
11 clear fuels is available to serve as a backup supply
12 to support the nuclear nonproliferation and civil nu-
13 clear energy objectives of the Department;

14 (6) to support enrichment, deconversion, and
15 reduction technology deployed in the United States;
16 and

17 (7) to ensure that, until such time that domes-
18 tic enrichment and deconversion of high-assay, low-
19 enriched uranium is commercially available at the
20 scale needed to meet the needs of advanced nuclear
21 reactor developers, the Secretary considers and im-
22 plements, as necessary—

23 (A) all viable options to make high-assay,
24 low-enriched uranium produced from inven-
25 tories owned by the Department available in a

1 manner that is sufficient to maximize the po-
2 tential for the Department to meet the needs
3 and schedules of advanced nuclear reactor de-
4 velopers; and

5 (B) all viable options for partnering with
6 ally or partner nations to meet those needs and
7 schedules.

8 (c) DEFINITIONS.—In this section:

9 (1) ADVANCED NUCLEAR REACTOR.—The term
10 “advanced nuclear reactor” has the meaning given
11 the term in section 951(b) of the Energy Policy Act
12 of 2005 (42 U.S.C. 16271(b)).

13 (2) ALLY OR PARTNER NATION.—The term
14 “ally or partner nation” means—

15 (A) the government of any country that is
16 a member of the Organisation for Economic Co-
17 operation and Development;

18 (B) the Government of the Republic of
19 India; and

20 (C) the government of any country des-
21 ignated as an ally or partner nation by the Sec-
22 retary for purposes of this section.

23 (3) ASSOCIATED ENTITY.—The term “associ-
24 ated entity” means an entity that—

1 (A) is owned, controlled, or dominated
2 by—

3 (i) an ally or partner nation; or

4 (ii) an associated individual; or

5 (B) is organized under the laws of, or oth-
6 erwise subject to the jurisdiction of, a country
7 described in any of subparagraphs (A) through
8 (C) of paragraph (2), including a corporation
9 that is incorporated in a country described in
10 any of those subparagraphs.

11 (4) ASSOCIATED INDIVIDUAL.—The term “asso-
12 ciated individual” means an alien who is a national
13 of a country described in any of subparagraphs (A)
14 through (C) of paragraph (2).

15 (5) CONSORTIUM.—The term “consortium”
16 means the consortium established under section
17 2001(a)(2)(F) of the Energy Act of 2020 (42 U.S.C.
18 16281(a)(2)(F)).

19 (6) DEPARTMENT.—The term “Department”
20 means the Department of Energy.

21 (7) HIGH-ASSAY, LOW-ENRICHED URANIUM;
22 HALEU.—The term “high-assay, low-enriched ura-
23 nium” or “HALEU” means high-assay low-enriched
24 uranium (as defined in section 2001(d) of the En-
25 ergy Act of 2020 (42 U.S.C. 16281(d))).

1 (8) LOW-ENRICHED URANIUM; LEU.—The term
2 “low-enriched uranium” or “LEU” means each of—

3 (A) low-enriched uranium (as defined in
4 section 3102 of the USEC Privatization Act
5 (42 U.S.C. 2297h)); and

6 (B) low-enriched uranium (as defined in
7 section 3112A(a) of that Act (42 U.S.C.
8 2297h–10a(a))).

9 (9) PROGRAMS.—The term “Programs”
10 means—

11 (A) the Nuclear Fuel Security Program es-
12 tablished under subsection (d)(1);

13 (B) the American Assured Fuel Supply
14 Program of the Department; and

15 (C) the HALEU for Advanced Nuclear Re-
16 actor Demonstration Projects Program estab-
17 lished under subsection (d)(3).

18 (10) SECRETARY.—The term “Secretary”
19 means the Secretary of Energy.

20 (11) U.S. NUCLEAR ENERGY COMPANY.—The
21 term “U.S. nuclear energy company” means a com-
22 pany that—

23 (A) is organized under the laws of, or oth-
24 erwise subject to the jurisdiction of, the United
25 States; and

1 (B) is involved in the nuclear energy indus-
2 try.

3 (d) ESTABLISHMENT AND EXPANSION OF PRO-
4 GRAMS.—The Secretary, consistent with the objectives de-
5 scribed in subsection (b), shall—

6 (1) establish a program, to be known as the
7 “Nuclear Fuel Security Program”, to prevent the re-
8 liance of the United States and, to the maximum ex-
9 tent practicable, ally or partner nations on LEU and
10 HALEU from the Russian Federation and the Peo-
11 ple’s Republic of China by increasing the quantity of
12 LEU and HALEU produced by U.S. nuclear energy
13 companies;

14 (2) expand the American Assured Fuel Supply
15 Program of the Department to ensure the avail-
16 ability of domestically produced, converted, and en-
17 riched uranium in the event of a supply disruption;
18 and

19 (3) establish a program, to be known as the
20 “HALEU for Advanced Nuclear Reactor Dem-
21 onstration Projects Program”—

22 (A) to maximize the potential for the De-
23 partment to meet the needs and schedules of
24 advanced nuclear reactor developers until such
25 time that commercial enrichment and

1 deconversion capability for HALEU exists in
2 the United States at a scale sufficient to meet
3 future needs; and

4 (B) where practicable, to partner with ally
5 or partner nations to meet those needs and
6 schedules until that time.

7 (e) NUCLEAR FUEL SECURITY PROGRAM.—

8 (1) IN GENERAL.—In carrying out the Nuclear
9 Fuel Security Program, the Secretary shall—

10 (A) not later than 180 days after the date
11 of enactment of this Act, enter into 2 or more
12 contracts to begin acquiring not less than 100
13 metric tons per year of LEU by December 31,
14 2026 (or the earliest operationally feasible date
15 thereafter), to ensure diverse domestic uranium
16 mining, conversion, enrichment, deconversion,
17 and reduction capacity and technologies, includ-
18 ing new capacity, among U.S. nuclear energy
19 companies;

20 (B) not later than 180 days after the date
21 of enactment of this Act, enter into 2 or more
22 contracts with members of the consortium to
23 begin acquiring not less than 20 metric tons per
24 year of HALEU by December 31, 2027 (or the

1 earliest operationally feasible date thereafter),
2 from U.S. nuclear energy companies;

3 (C) utilize only uranium produced, con-
4 verted, and enriched in—

5 (i) the United States; or

6 (ii) if domestic options are not prac-
7 ticable, a country described in any of sub-
8 paragraphs (A) through (C) of subsection
9 (c)(2);

10 (D) to the maximum extent practicable,
11 ensure that the use of domestic uranium uti-
12 lized as a result of that program does not nega-
13 tively affect the economic operation of nuclear
14 reactors in the United States; and

15 (E) take other actions that the Secretary
16 determines to be necessary or appropriate to
17 prevent the reliance of the United States and
18 ally or partner nations on nuclear fuels from
19 the Russian Federation and the People’s Re-
20 public of China.

21 (2) CONSIDERATIONS.—In carrying out para-
22 graph (1)(B), the Secretary shall consider and, if
23 appropriate, implement—

1 (A) options to ensure the quickest avail-
2 ability of commercially enriched HALEU, in-
3 cluding—

4 (i) partnerships between 2 or more
5 commercial enrichers; and

6 (ii) utilization of up to 10-percent en-
7 riched uranium as feedstock in demonstra-
8 tion-scale or commercial HALEU enrich-
9 ment facilities;

10 (B) options to partner with ally or partner
11 nations to provide LEU and HALEU for com-
12 mercial purposes;

13 (C) options that provide for an array of
14 HALEU—

15 (i) enrichment levels;

16 (ii) output levels to meet demand; and

17 (iii) fuel forms, including uranium
18 metal and oxide; and

19 (D) options—

20 (i) to replenish, as necessary, Depart-
21 ment stockpiles of uranium that was in-
22 tended to be downblended for other pur-
23 poses, but was instead used in carrying out
24 activities under the HALEU for Advanced

1 Nuclear Reactor Demonstration Projects
2 Program;

3 (ii) to continue supplying HALEU to
4 meet the needs of the recipients of an
5 award made pursuant to the funding op-
6 portunity announcement of the Depart-
7 ment numbered DE-FOA-0002271 for
8 Pathway 1, Advanced Reactor Demonstra-
9 tions; and

10 (iii) to make HALEU available to
11 other advanced nuclear reactor developers
12 and other end-users.

13 (3) AVOIDANCE OF MARKET DISRUPTIONS.—In
14 carrying out the Nuclear Fuel Security Program, the
15 Secretary, to the extent practicable and consistent
16 with the purposes of that program, shall not disrupt
17 or replace market mechanisms by competing with
18 U.S. nuclear energy companies.

19 (f) EXPANSION OF THE AMERICAN ASSURED FUEL
20 SUPPLY PROGRAM.—The Secretary, in consultation with
21 U.S. nuclear energy companies, shall—

22 (1) expand the American Assured Fuel Supply
23 Program of the Department by merging the oper-
24 ations of the Uranium Reserve Program of the De-

1 partment with the American Assured Fuel Supply
2 Program; and

3 (2) in carrying out the American Assured Fuel
4 Supply Program of the Department, as expanded
5 under paragraph (1)—

6 (A) maintain, replenish, diversify, or in-
7 crease the quantity of uranium made available
8 by that program in a manner determined by the
9 Secretary to be consistent with the purposes of
10 that program and the objectives described in
11 subsection (b);

12 (B) utilize only uranium produced, con-
13 verted, and enriched in—

14 (i) the United States; or

15 (ii) if domestic options are not prac-
16 ticable, a country described in any of sub-
17 paragraphs (A) through (C) of subsection
18 (c)(2);

19 (C) make uranium available from the
20 American Assured Fuel Supply, subject to
21 terms and conditions determined by the Sec-
22 retary to be reasonable and appropriate;

23 (D) refill and expand the supply of ura-
24 nium in the American Assured Fuel Supply, in-
25 cluding by maintaining a limited reserve of ura-

1 nium to address a potential event in which a
2 domestic or foreign recipient of uranium experi-
3 ences a supply disruption for which uranium
4 cannot be obtained through normal market
5 mechanisms or under normal market conditions;
6 and

7 (E) take other actions that the Secretary
8 determines to be necessary or appropriate to
9 address the purposes of that program and the
10 objectives described in subsection (b).

11 (g) HALEU FOR ADVANCED NUCLEAR REACTOR
12 DEMONSTRATION PROJECTS PROGRAM.—

13 (1) ACTIVITIES.—On enactment of this Act, the
14 Secretary shall immediately accelerate and, as nec-
15 essary, initiate activities to make available from in-
16 ventories or stockpiles owned by the Department and
17 made available to the consortium, HALEU for use
18 in advanced nuclear reactors that cannot operate on
19 uranium with lower enrichment levels or on alternate
20 fuels, with priority given to the awards made pursu-
21 ant to the funding opportunity announcement of the
22 Department numbered DE-FOA-0002271 for Path-
23 way 1, Advanced Reactor Demonstrations, with ad-
24 ditional HALEU to be made available to other ad-

1 vanced nuclear reactor developers, as the Secretary
2 determines to be appropriate.

3 (2) QUANTITY.—In carrying out activities
4 under this subsection, the Secretary shall consider
5 and implement, as necessary, all viable options to
6 make HALEU available in quantities sufficient to
7 maximize the potential for the Department to meet
8 the needs and schedules of advanced nuclear reactor
9 developers, including by seeking to make available—

10 (A) by September 30, 2024, not less than
11 3 metric tons of HALEU;

12 (B) by December 31, 2025, not less than
13 an additional 8 metric tons of HALEU; and

14 (C) by June 30, 2026, not less than an ad-
15 ditional 10 metric tons of HALEU.

16 (3) FACTORS FOR CONSIDERATION.—In car-
17 rying out activities under this subsection, the Sec-
18 retary shall take into consideration—

19 (A) options for providing HALEU from a
20 stockpile of uranium owned by the Department
21 (including the National Nuclear Security Ad-
22 ministration), including—

23 (i) uranium that has been declared ex-
24 cess to national security needs;

25 (ii) uranium that—

1 (I) directly meets the needs of
2 advanced nuclear reactor developers;
3 but

4 (II) has been previously used or
5 fabricated for another purpose;

6 (iii) uranium that can meet the needs
7 of advanced nuclear reactor developers
8 after removing radioactive or other con-
9 taminants that resulted from previous use
10 or fabrication of the fuel for research, de-
11 velopment, demonstration, or deployment
12 activities of the Department, including ac-
13 tivities that reduce the environmental li-
14 ability of the Department by accelerating
15 the processing of uranium from stockpiles
16 designated as waste;

17 (iv) uranium from a high-enriched
18 uranium stockpile, which can be blended
19 with lower assay uranium to become
20 HALEU to meet the needs of advanced
21 nuclear reactor developers; and

22 (v) uranium from stockpiles intended
23 for other purposes, but for which uranium
24 could be swapped or replaced in time in

1 such a manner that would not negatively
2 impact the missions of the Department;

3 (B) options for expanding, or establishing
4 new, capabilities or infrastructure to support
5 the processing of uranium from Department in-
6 ventories, including options that may be mutu-
7 ally beneficial to the Department and to U.S.
8 nuclear energy companies;

9 (C) options for accelerating the availability
10 of HALEU from HALEU enrichment dem-
11 onstration projects of the Department;

12 (D) options for providing HALEU from
13 domestically enriched HALEU procured by the
14 Department through a competitive process pur-
15 suant to the Nuclear Fuel Security Program es-
16 tablished under subsection (d)(1);

17 (E) options to replenish, as needed, De-
18 partment stockpiles of uranium made available
19 pursuant to subparagraph (A) with domestically
20 enriched HALEU procured by the Department
21 through a competitive process pursuant to the
22 Nuclear Fuel Security Program established
23 under subsection (d)(1); and

24 (F) options that combine 1 or more of the
25 approaches described in subparagraphs (A)

1 through (E) to meet the deadlines described in
2 paragraph (2).

3 (4) LIMITATION.—The Secretary shall not bar-
4 ter or otherwise sell or transfer uranium in any form
5 in exchange for services relating to—

6 (A) the final disposition of radioactive
7 waste from uranium that is the subject of a
8 contract for sale, resale, transfer, or lease under
9 this subsection; or

10 (B) environmental cleanup activities.

11 (5) SUNSET.—The authority of the Secretary to
12 carry out activities under this subsection shall termi-
13 nate on the date on which the Secretary notifies
14 Congress that the HALEU needs of advanced nu-
15 clear reactor developers can be fully met by commer-
16 cial HALEU suppliers in the United States, as de-
17 termined by the Secretary, in consultation with U.S.
18 nuclear energy companies.

19 (h) AUTHORITY.—In carrying out the Programs, the
20 Secretary, in coordination with the Secretary of State
21 (where applicable)—

22 (1) may—

23 (A) in addition to exercising the authority
24 granted to the Secretary under any other provi-
25 sion of law, enter into transactions (other than

1 contracts, cooperative agreements, financial as-
2 sistance agreements, or the provision of any
3 other financial assistance) with an ally or part-
4 ner nation, a U.S. nuclear energy company, or
5 any other domestic or foreign entity for any ac-
6 tivity to carry out the Programs, including the
7 acquisition or provision of uranium, conversion
8 services, enrichment services, LEU, HALEU,
9 and related goods and services;

10 (B) notwithstanding section 161 u. of the
11 Atomic Energy Act of 1954 (42 U.S.C.
12 2201(u)), enter into contracts and other ar-
13 rangements of such duration as the Secretary
14 determines to be necessary;

15 (C) make acquisitions for the Programs
16 through the use of competitive selection proc-
17 esses that the Secretary determines to be ap-
18 propriate to achieve the objectives described in
19 subsection (b) in an expeditious manner;

20 (D)(i) establish milestones for achieving
21 specified objectives, including the production of
22 LEU and HALEU in quantities and time-
23 frames described in this section; and

24 (ii) provide awards and other forms of in-
25 centives for meeting those milestones; and

1 (E) provide loan guarantees, other finan-
2 cial assistance, or assistance in the form of rev-
3 enue guarantees or similar mechanisms; and

4 (2) shall ensure that amounts charged to the
5 Secretary for the acquisition or provision of ura-
6 nium, conversion services, enrichment services, LEU,
7 HALEU, and other goods and services under the
8 Programs provide, in the opinion of the Secretary, in
9 consultation with U.S. nuclear energy companies,
10 reasonable compensation, taking into account—

11 (A) the fair market value of the good or
12 service acquired or provided;

13 (B) the cost recovery requirements of the
14 consortium; and

15 (C) the objectives described in subsection
16 (b).

17 (i) DOMESTIC SOURCING CONSIDERATIONS.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), the Secretary may only carry out an ac-
20 tivity in connection with 1 or more of the Programs
21 if—

22 (A) the activity promotes manufacturing in
23 the United States associated with uranium sup-
24 ply chains; or

1 (B) the activity relies on resources, mate-
2 rials, or equipment developed or produced—

3 (i) in the United States; or

4 (ii) in a country described in any of
5 subparagraphs (A) through (C) of sub-
6 section (c)(2) by—

7 (I) an ally or partner nation;

8 (II) an associated entity; or

9 (III) a U.S. nuclear energy com-

10 pany.

11 (2) WAIVER.—The Secretary may waive the re-
12 quirements of paragraph (1) with respect to an ac-
13 tivity if the Secretary determines a waiver to be nec-
14 essary to achieve 1 or more of the objectives de-
15 scribed in subsection (b).

16 (j) REASONABLE COMPENSATION.—

17 (1) IN GENERAL.—In carrying out activities
18 under this section, the Secretary shall ensure that
19 any LEU and HALEU made available by the Sec-
20 retary under 1 or more of the Programs is subject
21 to reasonable compensation, taking into account the
22 fair market value of the LEU or HALEU and the
23 purposes of this section.

24 (2) AVAILABILITY OF CERTAIN FUNDS.—Not-
25 withstanding section 3302 of title 31, United States

1 Code, revenues received from the sale or transfer of
2 fuel feed material and other activities related to
3 making LEU and HALEU available pursuant to
4 this section—

5 (A) shall be available to the Department
6 for carrying out the purposes of this section, to
7 reduce the need for further appropriations for
8 those purposes; and

9 (B) shall remain available until expended.

10 (k) EXCLUSIONS.—The Secretary may not carry out
11 an activity in connection with the Programs with an entity
12 that is—

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

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

19 (l) NUCLEAR REGULATORY COMMISSION.—The Nu-
20 clear Regulatory Commission shall prioritize and expedite
21 consideration of any action related to the Programs to the
22 extent permitted under the Atomic Energy Act of 1954
23 (42 U.S.C. 2011 et seq.) and related statutes.

24 (m) USEC PRIVATIZATION ACT.—

1 (1) IN GENERAL.—The requirements of section
2 3112 of the USEC Privatization Act (42 U.S.C.
3 2297h–10) shall not apply to activities related to the
4 Programs.

5 (2) AMENDMENT.—Section 3112A(c)(2)(A) of
6 the USEC Privatization Act (42 U.S.C. 2297h–
7 10a(c)(2)(A)) is amended—

8 (A) in clause (xii), by inserting “and” after
9 the semicolon at the end;

10 (B) by striking clauses (xiii) through
11 (xxvii); and

12 (C) by adding at the end the following:

13 “(xiii) in calendar year 2026 and each
14 calendar year thereafter, 0 kilograms.”.

15 (n) PROHIBITION ON IMPORTATION OF URANIUM
16 FROM THE RUSSIAN FEDERATION AND THE PEOPLE’S
17 REPUBLIC OF CHINA.—

18 (1) IN GENERAL.—Notwithstanding section
19 3112A of the USEC Privatization Act (42 U.S.C.
20 2297h–10a) or any other provision of law, the im-
21 portation of articles of the Russian Federation or
22 the People’s Republic of China classifiable under
23 subheading 2612.10, 2844.10, 2844.20, 2844.30.20,
24 or 2844.30.50 of the Harmonized Tariff Schedule of
25 the United States is prohibited.

1 (2) WAIVER OF PROHIBITION.—

2 (A) IN GENERAL.—The Secretary may
3 waive the prohibition under paragraph (1) with
4 respect to an article if the Secretary, in con-
5 sultation with the Secretary of State and the
6 Secretary of Commerce, determines that—

7 (i) no viable source of alternative sup-
8 ply of the article is available to sustain
9 continued operation of a nuclear reactor in
10 the United States; or

11 (ii) importation of the article from a
12 country other than the Russian Federation
13 or the People’s Republic of China is in the
14 interest of national security.

15 (B) NOTIFICATION TO CONGRESS.—Not
16 later than 60 days before issuing a waiver
17 under subparagraph (A), the Secretary shall no-
18 tify the Committee on Energy and Natural Re-
19 sources of the Senate and the Committee on
20 Energy and Commerce of the House of Rep-
21 resentatives of the intent to issue the waiver,
22 including a justification for the waiver.

23 (C) EXPIRATION OF WAIVER AUTHOR-
24 ITY.—The authority provided to the Secretary

1 under subparagraph (A) expires on December
2 31, 2025.

3 (3) EFFECTIVE DATE.—Paragraph (1) applies
4 with respect to articles entered, or withdrawn from
5 warehouse for consumption, on or after the date that
6 is 45 days after the date of enactment of this Act.

7 (o) AUTHORIZATION OF APPROPRIATIONS.—In addi-
8 tion to amounts otherwise available, there are authorized
9 to be appropriated to the Secretary—

10 (1) for the Nuclear Fuel Security Program,
11 \$3,500,000,000 for fiscal year 2023, to remain
12 available until September 30, 2031, of which the
13 Secretary may use \$1,000,000,000 by September 30,
14 2028, to carry out the HALEU for Advanced Nu-
15 clear Reactor Demonstration Projects Program; and

16 (2) for the American Assured Fuel Supply Pro-
17 gram of the Department, as expanded under this
18 section, such sums as are necessary for the period
19 of fiscal years 2023 through 2030, to remain avail-
20 able until September 30, 2031.

21 **SEC. 15. ISOTOPE DEMONSTRATION AND ADVANCED NU-**
22 **CLEAR RESEARCH INFRASTRUCTURE EN-**
23 **HANCEMENT.**

24 (a) EVALUATION AND ESTABLISHMENT OF ISOTOPE
25 DEMONSTRATION PROGRAM.—Section 952(a)(2)(A) of

1 the Energy Policy Act of 2005 (42 U.S.C.
2 16272(a)(2)(A)) is amended by striking “shall evaluate
3 the technical and economic feasibility of the establishment
4 of” and inserting “shall evaluate the technical and eco-
5 nomic feasibility of, and, if feasible, is authorized to estab-
6 lish,”.

7 (b) **ADVANCED NUCLEAR RESEARCH INFRASTRUC-**
8 **TURE ENHANCEMENT.**—Section 954(a)(5) of the Energy
9 Policy Act of 2005 (42 U.S.C. 16274(a)(5)) is amended—

10 (1) by redesignating subparagraph (E) as sub-
11 paragraph (F); and

12 (2) by inserting after subparagraph (D) the fol-
13 lowing:

14 “(E) **FUEL SERVICES.**—The Secretary
15 shall expand the Research Reactor Infrastruc-
16 ture subprogram of the Radiological Facilities
17 Management program of the Department car-
18 ried out under paragraph (6) to provide fuel
19 services to research reactors established under
20 this paragraph.”.

21 **SEC. 16. REPORT ON CIVIL NUCLEAR CREDIT PROGRAM.**

22 Not later than 180 days after the date of enactment
23 of this Act, the Secretary of Energy shall submit to the
24 appropriate committees of Congress a report that identi-
25 fies the anticipated funding requirements for the civil nu-

1 clear credit program described in section 40323 of the In-
2 frastructure Investment and Jobs Act (42 U.S.C. 18753),
3 taking into account—

4 (1) the zero-emission nuclear power production
5 credit authorized by section 45U of the Internal
6 Revenue Code of 1986; and

7 (2) any increased fuel costs associated with the
8 use of domestic fuel that may arise from the imple-
9 mentation of that program.

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