

**[DISCUSSION DRAFT]**115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R.** \_\_\_\_\_

To amend the Atomic Energy Act of 1954 to improve the process by which the Secretary of Energy authorizes the transfer of civilian nuclear commerce technology and assistance, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. JOHNSON of Ohio introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Atomic Energy Act of 1954 to improve the process by which the Secretary of Energy authorizes the transfer of civilian nuclear commerce technology and assistance, 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. FINDINGS AND PURPOSE.**

4       (a) FINDINGS.—Congress finds the following:

5               (1) Section 1 of the Atomic Energy Act of 1954

6               (42 U.S.C. 2011)—

1 (A) states that atomic energy “is capable  
2 of application for peaceful” purposes; and

3 (B) declared to be the policy of the United  
4 States that—

5 (i) “the development, use, and control  
6 of atomic energy shall be directed so as to  
7 make the maximum contribution to the  
8 general welfare, subject at all times to the  
9 paramount objective of making the max-  
10 imum contribution to the common defense  
11 and security”; and

12 (ii) “the development, use, and control  
13 of atomic energy shall be directed so as to  
14 promote world peace, improve the general  
15 welfare, increase the standard of living,  
16 and strengthen free competition in private  
17 enterprise.”.

18 (2) A predictable and efficient regulatory ap-  
19 proval process for nuclear suppliers to participate in  
20 domestic and foreign civil nuclear commerce is bene-  
21 ficial to the interests of the United States.

22 (3) A robust civilian nuclear infrastructure ad-  
23 vances the economic and national security interests  
24 of the United States.

25 (b) PURPOSE.—The purpose of this Act is to—

1 (1) identify regulatory, legal, and other policies  
2 affecting civil nuclear commerce;

3 (2) improve the predictability and efficiency of  
4 the authorization for foreign nuclear commerce; and

5 (3) assess methodology to meet the retrospec-  
6 tive risk requirements on the Convention on Supple-  
7 mentary Compensation for Nuclear Damage as re-  
8 quired by section 934(e) of the Energy Independence  
9 and Security Act of 2007 (42 U.S.C. 17373(e)).

10 **SEC. 2. REVIEW OF CIVIL NUCLEAR COMMERCE.**

11 (a) REPORT.—Not later than 180 days after the date  
12 of enactment of this Act, the Secretary of Energy shall  
13 submit to the Committee on Energy and Commerce of the  
14 House of Representatives and the Committees on Energy  
15 and Natural Resources and on Environment and Public  
16 Works of the Senate a report on United States civil nu-  
17 clear commerce.

18 (b) CONTENTS.—The report required under sub-  
19 section (a) shall include—

20 (1) an assessment of—

21 (A) current legal, regulatory, policy, and  
22 commercial practices of the United States with  
23 respect to the civilian nuclear industry of the  
24 United States; and

1 (B) the impacts of such practices on such  
2 civilian nuclear industry in the United States  
3 and in international markets;

4 (2) a comparison of the practices of the United  
5 States described in paragraph (1) to practices of for-  
6 eign countries with respect to the civilian nuclear in-  
7 dustry of such countries;

8 (3) recommendations to improve the competi-  
9 tiveness of United States civil nuclear commerce;  
10 and

11 (4) options on how to apply section 170 of the  
12 Atomic Energy Act of 1954 (42 U.S.C. 2210) (com-  
13 monly known as the “Price-Anderson Act”) with re-  
14 spect to advanced nuclear technologies.

15 **SEC. 3. IMPROVEMENTS TO PART 810 PROCESS.**

16 (a) CLARIFICATION ON PROHIBITION OF DELEGA-  
17 TION.—Section 161n. of the Atomic Energy Act of 1954  
18 (42 U.S.C. 2201(n)) is amended by striking “57 b.” and  
19 inserting “57 b. (only with respect to enrichment and re-  
20 processing of special nuclear material)”.

21 (b) EXPEDITED PROCEDURES FOR LOW PROLIFERA-  
22 TION RISK REACTOR TECHNOLOGIES.—Section 57d. of  
23 such Act (42 U.S.C. 2077(d)) is amended—

24 (1) by inserting “(1)” before “The Commission  
25 is authorized”; and

1           (2) by adding at the end the following new  
2 paragraph:

3           “(2)(A) In carrying out paragraph (1), the Secretary  
4 of Energy shall establish procedures for expedited consid-  
5 eration of requests for authorization under this section re-  
6 garding the transfer of low proliferation risk reactor tech-  
7 nologies designated by the Secretary for purposes of this  
8 subparagraph.

9           “(B) The procedures established under subparagraph  
10 (A) shall—

11           “(i) apply with respect to each application to  
12 transfer low proliferation risk reactor technologies  
13 described in such subparagraph to foreign countries  
14 designated by the Secretary for purposes of such  
15 subparagraph (except that the Secretary may not  
16 designate a foreign country that is a nuclear-weapon  
17 state, as defined by Article IX(3) of the Treaty on  
18 the Non-Proliferation of Nuclear Weapons, signed at  
19 Washington, London, and Moscow July 1, 1968,  
20 other than the United Kingdom or France); and

21           “(ii) ensure that each such application is ap-  
22 proved or denied by not later than 30 days after the  
23 date on which the foreign country transmits any re-  
24 quired assurances to the Secretary of State.

1           “(C) The procedures established under subparagraph  
2 (A) may not apply to the transfer of fuel fabrication tech-  
3 nology or any fuel cycle technology.

4           “(D) The Secretary of Energy shall establish the pro-  
5 cedures under subparagraph (A) with the concurrence of  
6 the Secretary of State and in consultation with the Sec-  
7 retary of Defense, the Secretary of Commerce, and the  
8 Nuclear Regulatory Commission.”.

9           (c) ASSURANCES.—Section 57b.(2) of such Act (42  
10 U.S.C. 2077(b)(2)) is amended by inserting after “mecha-  
11 nisms.” the following new sentence: “To the extent prac-  
12 ticable, the Secretary of Energy shall continue to process  
13 such requests during such interagency review in a manner  
14 that enables the Secretary to make such determination as  
15 soon as practicable after the receipt of assurances by a  
16 foreign country to the Secretary of State, if any such as-  
17 surances are required.”.

18           (d) SENSE OF CONGRESS ON E810.—It is the sense  
19 of Congress that—

20                 (1) the Secretary of Energy should continue the  
21 ongoing Process Improvement Plan for authoriza-  
22 tions pursuant to section 57b.(2) of the Atomic En-  
23 ergy Act of 1954 (42 U.S.C. 2077(b)(2)); and

24                 (2) Congress is supportive of the progress made  
25 by the Secretary in such process and is especially in-

1       terested in the continued work for the electronic sub-  
2       missions portal for such applications known as  
3       “e810”.

4       **SEC. 4. RISK POOLING PROGRAM.**

5       (a) REPORT.—Not later than 1 year after the date  
6       of enactment of this Act, the Comptroller General shall  
7       carry out a review of, and submit to the Committee on  
8       Energy and Commerce of the House of Representatives  
9       and the Committee on Environment and Public Works of  
10      the Senate a report on, the Secretary of Energy’s actions  
11      with respect to the program described in section 934(e)  
12      of the Energy Independence and Security Act of 2007 (42  
13      U.S.C. 17373(e)).

14      (b) CONTENTS.—The report described in subsection  
15      (a) shall include—

16              (1) an assessment of the Secretary of Energy’s  
17              actions to determine the risk-informed assessment  
18              formula under section 934(e)(2)(C) of the Energy  
19              Independence and Security Act of 2007;

20              (2) a review of the Secretary of Energy’s meth-  
21              odology to collect information to determine and im-  
22              plement the formula; and

23              (3) an evaluation of the program described in  
24              section 934(e) of the Energy Independence and Se-  
25              curity Act of 2007 (42 U.S.C. 17373(e)), including

1 the Secretary of Energy's actions with respect to  
2 such program.