[DISCUSSION DRAFT]

115TH CONGRESS
2D 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.

IN THE HOUSE OF REPRESENTATIVES

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

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
4 SECTION 1. FINDINGS AND PURPOSE.
5 (a) FINDINGS.—Congress finds the following:
6 (1) Section 1 of the Atomic Energy Act of 1954
7 (42 U.S.C. 2011)—
(A) states that atomic energy “is capable of application for peaceful” purposes; and

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

(i) “the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security”; and

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

(2) A predictable and efficient regulatory approval process for nuclear suppliers to participate in domestic and foreign civil nuclear commerce is beneficial to the interests of the United States.

(3) A robust civilian nuclear infrastructure advances the economic and national security interests of the United States.

(b) PURPOSE.—The purpose of this Act is to—
(1) identify regulatory, legal, and other policies affecting civil nuclear commerce;

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

(3) assess methodology to meet the retroactive risk requirements on the Convention on Supplementary Compensation for Nuclear Damage as required by section 934(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17373(e)).

SEC. 2. REVIEW OF CIVIL NUCLEAR COMMERCE.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committees on Energy and Natural Resources and on Environment and Public Works of the Senate a report on United States civil nuclear commerce.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) an assessment of—

(A) current legal, regulatory, policy, and commercial practices of the United States with respect to the civilian nuclear industry of the United States; and
(B) the impacts of such practices on such

civilian nuclear industry in the United States
and in international markets;

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

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

and

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

SEC. 3. IMPROVEMENTS TO PART 810 PROCESS.

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

(b) EXPEDITED PROCEDURES FOR LOW PROLIFERA-
tion Risk Reactor Technologies.—Section 57d. of
such Act (42 U.S.C. 2077(d)) is amended—

(1) by inserting “(1)” before “The Commission

is authorized”; and
(2) by adding at the end the following new paragraph:

“(2)(A) In carrying out paragraph (1), the Secretary of Energy shall establish procedures for expedited consideration of requests for authorization under this section regarding the transfer of low proliferation risk reactor technologies designated by the Secretary for purposes of this subparagraph.

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

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

“(ii) ensure that each such application is approved or denied by not later than 30 days after the date on which the foreign country transmits any required assurances to the Secretary of State.
“(C) The procedures established under subparagraph (A) may not apply to the transfer of fuel fabrication technology or any fuel cycle technology.

“(D) The Secretary of Energy shall establish the procedures under subparagraph (A) with the concurrence of the Secretary of State and in consultation with the Secretary of Defense, the Secretary of Commerce, and the Nuclear Regulatory Commission.”.

(e) ASSURANCES.—Section 57b.(2) of such Act (42 U.S.C. 2077(b)(2)) is amended by inserting after “mechanisms.” the following new sentence: “To the extent practicable, the Secretary of Energy shall continue to process such requests during such interagency review in a manner that enables the Secretary to make such determination as soon as practicable after the receipt of assurances by a foreign country to the Secretary of State, if any such assurances are required.”.

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

(1) the Secretary of Energy should continue the ongoing Process Improvement Plan for authorizations pursuant to section 57b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)(2)); and

(2) Congress is supportive of the progress made by the Secretary in such process and is especially in-
interested in the continued work for the electronic submissions portal for such applications known as “e810”.

SEC. 4. RISK POOLING PROGRAM.

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

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

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

(2) a review of the Secretary of Energy’s methodology to collect information to determine and implement the formula; and

(3) an evaluation of the program described in section 934(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17373(e)), including
the Secretary of Energy’s actions with respect to such program.