

118TH CONGRESS
1ST SESSION

H. R. 995

To direct the Secretary of Energy to conduct a study on the global status of the civilian nuclear energy industry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2023

Mr. CARTER of Georgia (for himself and Mr. PETERS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, 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 direct the Secretary of Energy to conduct a study on the global status of the civilian nuclear energy industry, 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 “Global Nuclear Energy
5 Assessment and Cooperation Act”.

6 **SEC. 2. GLOBAL NUCLEAR ENERGY ASSESSMENT STUDY.**

7 (a) STUDY REQUIRED.—Not later than 1 year after
8 the date of enactment of this Act, the Secretary of Energy,

1 in consultation with the Secretary of State, the Secretary
2 of Commerce, the Administrator of the Environmental
3 Protection Agency, and the Commission, shall conduct a
4 study on the global status of—

5 (1) the civilian nuclear energy industry; and

6 (2) the supply chains of the civilian nuclear en-
7 ergy industry.

8 (b) CONTENTS.—The study conducted under sub-
9 section (a) shall include—

10 (1) information on the status of the civilian nu-
11 clear energy industry, the long-term risks to such in-
12 dustry, and the basis for such risks;

13 (2) information on how the use of the civilian
14 nuclear energy industry, relative to other types of
15 energy industries, can reduce the emission of criteria
16 pollutants and carbon dioxide;

17 (3) information on the role the United States
18 civilian nuclear energy industry plays in United
19 States foreign policy;

20 (4) information on the importance of the
21 United States civilian nuclear energy industry to
22 countries that are allied to the United States;

23 (5) information on how the United States may
24 collaborate with such countries in developing, deploy-
25 ing, and investing in nuclear technology;

1 (6) information on how foreign countries use
2 nuclear energy when crafting and implementing
3 their own foreign policy, including such use by for-
4 eign countries that are strategic competitors;

5 (7) an evaluation of how nuclear nonprolifera-
6 tion efforts and nuclear energy safety are affected by
7 the involvement of the United States in—

8 (A) international markets; and

9 (B) setting civilian nuclear energy industry
10 standards;

11 (8) an evaluation of how industries in the
12 United States, other than the civilian nuclear energy
13 industry, benefit from the generation of electricity
14 by nuclear power plants;

15 (9) information on utilities and companies in
16 the United States that are involved in the civilian
17 nuclear energy supply chain, including, with respect
18 to such utilities and companies—

19 (A) financial challenges;

20 (B) foreign strategic competition; and

21 (C) risks to continued operation; and

22 (10) recommendations for how the United
23 States may—

1 (A) develop a national strategy to increase
2 the role nuclear energy plays in diplomacy and
3 strategic energy policy;

4 (B) develop a strategy to mitigate foreign
5 competitor's utilization of their civilian nuclear
6 energy industries in diplomacy;

7 (C) align its nuclear energy policy with na-
8 tional security objectives; and

9 (D) remove regulatory barriers to the de-
10 velopment of the United States civilian nuclear
11 energy supply chain.

12 (c) REPORT TO CONGRESS.—Not later than 6
13 months after the study is conducted under subsection (a),
14 the Secretary of Energy shall submit to the appropriate
15 committees of Congress a report on the results of such
16 study.

17 **SEC. 3. PROGRAM TO TRAIN AND SHARE EXPERTISE.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of enactment of this Act, the Secretary of Energy,
20 in consultation with the Secretary of State and the Com-
21 mission, shall develop and carry out a program under
22 which the Secretary of Energy shall train foreign nuclear
23 energy experts and standardize practices.

1 (b) REQUIREMENTS.—In carrying out the program
2 developed under subsection (a), the Secretary of Energy
3 shall—

4 (1) issue guidance for best safety practices in
5 the global civilian nuclear energy industry based on
6 practices established in the United States;

7 (2) train foreign nuclear energy experts on the
8 operation and safety practices used by the United
9 States civilian nuclear energy industry;

10 (3) review global supply chain issues for foreign
11 civilian nuclear energy industries;

12 (4) identify weaknesses and concerns found in
13 foreign civilian nuclear energy industries; and

14 (5) establish partnerships with foreign countries
15 that have developed or are developing civilian nu-
16 clear energy industries.

17 (c) FOREIGN NUCLEAR ENERGY EXPERT.—In this
18 section, the term “foreign nuclear energy expert” does not
19 include a person who is from a country—

20 (1) in which intellectual property theft is legal;

21 (2) that takes actions to undermine the civilian
22 nuclear energy industry or other critical industries
23 of the United States; or

24 (3) which the Secretary of Energy determines is
25 inimical to the interest of the United States.

1 **SEC. 4. INTERNATIONAL NUCLEAR REACTOR EXPORT AND**
2 **INNOVATION ACTIVITIES.**

3 (a) COORDINATION.—The Commission shall—

4 (1) coordinate all work of the Commission relat-
5 ing to—

6 (A) issuing a license for the import or ex-
7 port of a nuclear reactor under section 103 of
8 the Atomic Energy Act of 1954 (42 U.S.C.
9 2133); and

10 (B) international regulatory cooperation
11 and assistance relating to nuclear reactors; and
12 (2) support—

13 (A) the consideration of international tech-
14 nical standards to assist the design, licensing,
15 and construction of advanced nuclear systems;

16 (B) efforts to help build competent nuclear
17 regulatory organizations and legal frameworks
18 in foreign countries that are seeking to develop
19 civilian nuclear energy industries; and

20 (C) exchange programs and training pro-
21 vided to foreign countries relating to civilian
22 nuclear energy industry regulation and over-
23 sight to improve nuclear technology licensing.

24 (b) CONSULTATION.—In supporting exchange pro-
25 grams and training under subsection (a)(2)(C), the Com-
26 mission shall consult with—

- 1 (1) the Secretary of Energy;
- 2 (2) the National Laboratories;
- 3 (3) the private sector; and
- 4 (4) institutions of higher education.

5 (c) NUCLEAR REACTOR EXPORT AND INNOVATION
 6 BRANCH.—The Commission shall establish within the Of-
 7 fice of International Programs of the Commission a
 8 branch, to be known as the “International Nuclear Reac-
 9 tor Export and Innovation Branch”, to carry out the nu-
 10 clear reactor export and innovation activities described in
 11 subsection (a) as the Commission determines appropriate.

12 (d) EXCLUSION OF INTERNATIONAL ACTIVITIES
 13 FROM THE FEE BASE.—Section 102 of the Nuclear En-
 14 ergy Innovation and Modernization Act (42 U.S.C. 2215)
 15 is amended—

16 (1) in subsection (a), by adding at the end the
 17 following:

18 “(4) INTERNATIONAL NUCLEAR REACTOR EX-
 19 PORT AND INNOVATION ACTIVITIES.—The Commis-
 20 sion shall identify in the annual budget justification
 21 international nuclear reactor export and innovation
 22 activities described in section 4(a) of the Global Nu-
 23 clear Energy Assessment and Cooperation Act.”;
 24 and

1 (2) in subsection (b)(1)(B), by adding at the
2 end the following:

3 “(iv) Costs for international nuclear
4 reactor export and innovation activities de-
5 scribed in section 4(a) of the Global Nu-
6 clear Energy Assessment and Cooperation
7 Act.”.

8 **SEC. 5. DENIAL OF CERTAIN DOMESTIC LICENSES FOR NA-**
9 **TIONAL SECURITY PURPOSES.**

10 (a) **DEFINITION OF COVERED FUEL.**—In this sec-
11 tion, the term “covered fuel” means enriched uranium
12 that is fabricated into fuel assemblies for nuclear reactors
13 by an entity that—

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

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

20 (b) **PROHIBITION ON UNLICENSED POSSESSION OR**
21 **OWNERSHIP OF COVERED FUEL.**—Unless specifically au-
22 thorized by the Commission in a license issued under sec-
23 tion 53 of the Atomic Energy Act of 1954 (42 U.S.C.
24 2073), no person subject to the jurisdiction of the Com-
25 mission may possess or own covered fuel.

1 (c) LICENSE TO POSSESS OR OWN COVERED
2 FUEL.—

3 (1) CONSULTATION REQUIRED PRIOR TO
4 ISSUANCE.—The Commission shall not issue a li-
5 cense to possess or own covered fuel under section
6 53 of the Atomic Energy Act of 1954 (42 U.S.C.
7 2073), unless the Commission has first consulted
8 with the Secretary of Energy and the Secretary of
9 State before issuing the license.

10 (2) PROHIBITION ON ISSUANCE OF LICENSE.—

11 (A) IN GENERAL.—Subject to subpara-
12 graph (C), a license to possess or own covered
13 fuel shall not be issued if the Secretary of En-
14 ergy and the Secretary of State make the deter-
15 mination described in subparagraph (B).

16 (B) DETERMINATION.—

17 (i) IN GENERAL.—The determination
18 referred to in subparagraph (A) is a deter-
19 mination that possession or ownership, as
20 applicable, of covered fuel poses a threat to
21 the national security of the United States
22 that adversely impacts the physical and
23 economic security of the United States.

24 (ii) JOINT DETERMINATION.—A deter-
25 mination described in clause (i) shall be

1 jointly made by the Secretary of Energy
2 and the Secretary of State.

3 (iii) TIMELINE.—

4 (I) NOTICE OF APPLICATION.—

5 Not later than 30 days after the date
6 on which the Commission receives an
7 application for a license to possess or
8 own covered fuel, the Commission
9 shall notify the Secretary of Energy
10 and the Secretary of State of the ap-
11 plication.

12 (II) DETERMINATION.—The Sec-

13 retary of Energy and the Secretary of
14 State shall have a period of 180 days,
15 beginning on the date on which the
16 Commission notifies the Secretary of
17 Energy and the Secretary of State
18 under subclause (I) of an application
19 for a license to possess or own covered
20 fuel, in which to make the determina-
21 tion described in clause (i).

22 (III) COMMISSION NOTIFICA-

23 TION.—On making the determination
24 described in clause (i), the Secretary
25 of Energy and the Secretary of State

1 shall immediately notify the Commis-
2 sion.

3 (IV) CONGRESSIONAL NOTIFICA-
4 TION.—Not later than 30 days after
5 the date on which the Secretary of
6 Energy and the Secretary of State no-
7 tify the Commission under subclause
8 (III), the Commission shall notify the
9 appropriate committees of Congress of
10 the determination.

11 (V) PUBLIC NOTICE.—Not later
12 than 15 days after the date on which
13 the Commission notifies Congress
14 under subclause (IV) of a determina-
15 tion made under clause (i), the Com-
16 mission shall make that determination
17 publicly available.

18 (C) EFFECT OF NO DETERMINATION.—
19 The prohibition described in subparagraph (A)
20 shall not apply if the Secretary of Energy and
21 the Secretary of State do not make the deter-
22 mination described in subparagraph (B) by the
23 date described in clause (iii)(II) of that sub-
24 paragraph.

1 **SEC. 6. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE COMMITTEES OF CON-
4 GRESS.—The term “appropriate committees of Con-
5 gress” means each of the following:

6 (A) The Committee on Energy and Com-
7 merce of the House of Representatives.

8 (B) The Committee on Foreign Affairs of
9 the House of Representatives.

10 (C) The Committee on Energy and Nat-
11 ural Resources of the Senate.

12 (D) The Committee on Foreign Relations
13 of the Senate.

14 (2) COMMISSION.—The term “Commission”
15 means the Nuclear Regulatory Commission.

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