

115TH CONGRESS
1ST SESSION

H. R. 3970

To assist communities affected by stranded nuclear waste, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2017

Mr. SCHNEIDER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on 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 assist communities affected by stranded nuclear waste,
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 “Sensible, Timely Relief
5 for America’s Nuclear Districts’ Economic Development
6 Act of 2017” or the “STRANDED Act of 2017”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

1 (1) in 1982, Congress authorized the Secretary
2 of Energy and the Chairman of the Nuclear Regu-
3 latory Commission to safely manage and dispose of
4 the most highly radioactive nuclear waste of the
5 United States, a responsibility that includes—

6 (A) removing spent nuclear fuel from com-
7 mercial nuclear power plants for a fee; and

8 (B) transporting the spent fuel to—

9 (i) a permanent geological repository;

10 or

11 (ii) an interim storage facility before
12 permanent disposal;

13 (2) for more than 30 years, nuclear power
14 plants have operated in good faith that the Federal
15 Government would establish a permanent geological
16 repository;

17 (3) communities throughout the United States,
18 including communities in the States of California,
19 Connecticut, Florida, Illinois, Maine, Maryland,
20 Michigan, New York, Vermont, and Wisconsin, are
21 tasked with dealing with stranded nuclear waste;

22 (4) communities affected by stranded nuclear
23 waste are in fact interim nuclear waste storage sites;

24 (5) the Nuclear Waste Policy Act of 1982 (42
25 U.S.C. 10101 et seq.)—

1 (A) directed the Secretary to make annual
2 impact assistance payments to States or appro-
3 priate units of local government to mitigate the
4 social and economic impacts of the establish-
5 ment and operation of interim nuclear waste
6 storage capacity within the jurisdictional bound-
7 aries of an affected community; and

8 (B) established the rate for impact assist-
9 ance payments at \$15 per kilogram of spent
10 nuclear fuel;

11 (6) decommissioning a commercial nuclear
12 power plant is often catastrophic for the host com-
13 munity because nuclear power plants are major em-
14 ployers and the primary source of local tax revenue;

15 (7) stranded nuclear waste is a profound obsta-
16 cle to future economic growth, deterring potential
17 employers and residents from considering the host
18 community;

19 (8) stranded nuclear waste prevents economic
20 development in communities in which the stranded
21 nuclear waste is located; and

22 (9) it is critical to provide resources to commu-
23 nities that—

24 (A) are challenged by stranded nuclear
25 waste; or

1 (B) will be challenged by stranded nuclear
2 waste during the 10-year period beginning on
3 the date of enactment of this Act.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **ACADEMY.**—The term “Academy” means
7 the National Academy of Sciences.

8 (2) **AFFECTED COMMUNITY.**—The term “af-
9 fected community” means a municipality that con-
10 tains stranded nuclear waste within the boundaries
11 of the municipality, as determined by the Secretary.

12 (3) **ELIGIBLE CIVILIAN NUCLEAR POWER**
13 **PLANT.**—The term “eligible civilian nuclear power
14 plant” means a nuclear power plant that—

15 (A) has been decommissioned; or

16 (B) is in the process of being decommis-
17 sioned.

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

20 (5) **STRANDED NUCLEAR WASTE.**—The term
21 “stranded nuclear waste” means nuclear waste or
22 spent nuclear fuel stored in dry casks or spent fuel
23 pools at a decommissioned or decommissioning nu-
24 clear facility.

1 **SEC. 4. INNOVATIVE SOLUTIONS STUDY.**

2 (a) IN GENERAL.—Not later than 90 days after the
3 date of enactment of this Act, the Secretary shall enter
4 into an arrangement under which the Academy, in collabo-
5 ration with the National Laboratories (as the term is de-
6 fined in section 2 of the Energy Policy Act of 2005 (42
7 U.S.C. 15801)), shall conduct a study to determine wheth-
8 er opportunities exist for affected communities to consider
9 alternatives to nuclear facilities, generating sites, and
10 waste sites.

11 (b) COMPLETION.—The Secretary shall ensure that,
12 not later than 1 year after the date of enactment of this
13 Act, the Academy—

14 (1) completes the study described in subsection
15 (a); and

16 (2) submits to the appropriate Committees of
17 Congress a report describing findings and rec-
18 ommendations based on the study.

19 **SEC. 5. STRANDED NUCLEAR WASTE TASK FORCE.**

20 (a) ESTABLISHMENT.—The Secretary shall establish
21 a task force, to be known as the Stranded Nuclear Waste
22 Task Force—

23 (1) to conduct a study on existing public and
24 private resources and funding for which affected
25 communities may be eligible; and

1 (2) to develop immediate and long-term eco-
2 nomic adjustment plans tailored to the needs of each
3 affected community.

4 (b) STUDY.—Not later than 180 days after the date
5 of enactment of this Act, the Stranded Nuclear Waste
6 Task Force shall complete and submit to Congress the
7 study described in subsection (a).

8 **SEC. 6. ECONOMIC IMPACT GRANTS.**

9 (a) ESTABLISHMENT.—Not later than 60 days after
10 the date of enactment of this Act, the Secretary shall es-
11 tablish and carry out a noncompetitive grant program to
12 provide financial assistance to units of local government
13 within the jurisdictional boundary of which an eligible ci-
14 vilian nuclear power plant is located to offset the economic
15 and social impacts of stranded nuclear waste in affected
16 communities.

17 (b) ELIGIBILITY.—A unit of local government that is
18 an affected community shall be eligible to receive a grant
19 under this section for a fiscal year.

20 (c) AWARDS.—

21 (1) AMOUNT.—The amount of a grant awarded
22 under subsection (a) shall be equal to \$15 for each
23 kilogram of spent nuclear fuel stored at the eligible
24 civilian nuclear power plant in the affected commu-
25 nity.

1 (2) NUMBER AND FREQUENCY.—With respect
2 to each eligible civilian nuclear power plant, the Sec-
3 retary may only award 1 grant under subsection (a)
4 to each eligible unit of local government for each fis-
5 cal year.

6 **SEC. 7. TAX INCENTIVES FOR AFFECTED COMMUNITIES.**

7 (a) NEW MARKETS TAX CREDIT.—Section 45D of
8 the Internal Revenue Code of 1986 is amended—

9 (1) in subsection (b)(1)(B), by inserting “or
10 qualified nuclear affected community investments”
11 before the comma;

12 (2) in subsection (b)(3), by inserting “or quali-
13 fied nuclear affected community investments” before
14 the period;

15 (3) in subsection (c)(1)(A), by striking “for,”
16 and all that follows and inserting “for—

17 “(i) low-income communities or low-
18 income persons, or

19 “(ii) nuclear affected communities or
20 individuals residing in nuclear affected
21 communities,”;

22 (4) in subsection (c)(1)(B), by inserting “or nu-
23 clear affected communities, whichever is applicable,”
24 after “low-income communities”;

25 (5) in subsection (d)—

1 (A) by striking “LOW-INCOME COMMU-
2 NITY” in the heading;

3 (B) by striking “IN GENERAL” in the
4 heading of paragraph (1) and inserting
5 “QUALIFIED LOW-INCOME COMMUNITY INVEST-
6 MENT”; and

7 (C) by adding at the end the following new
8 paragraph:

9 “(4) QUALIFIED NUCLEAR AFFECTED COMMU-
10 NITY INVESTMENT.—The term ‘qualified nuclear af-
11 fected community investment’ means any invest-
12 ment, loan, loan purchase, or service which would be
13 a qualified low-income community investment if
14 paragraphs (1), (2), and (3) were applied by sub-
15 stituting ‘nuclear affected community’ and ‘nuclear
16 affected communities’ for ‘low-income community’
17 and ‘low-income communities’, respectively, each
18 place they appear.”;

19 (6) in subsection (e)—

20 (A) by inserting “AND NUCLEAR AF-
21 FECTED COMMUNITY” after “COMMUNITY” in
22 the heading;

23 (B) by striking “IN GENERAL” in the
24 heading of paragraph (1) and inserting “LOW-
25 INCOME COMMUNITY”;

1 (C) in paragraph (3), by striking “In” and
2 inserting “For purposes of paragraph (1), in”;
3 and

4 (D) by adding at the end the following new
5 paragraph:

6 “(6) NUCLEAR AFFECTED COMMUNITY.—The
7 term ‘nuclear affected community’ means an af-
8 fected community as defined in section 3(2) of the
9 STRANDED Act of 2017 and any other munici-
10 pality which borders on a municipality where a com-
11 mercial nuclear power plant which has been decom-
12 missioned or is in the process of being decommis-
13 sioned is located.”; and

14 (7) in subsection (f)(2)(B), by inserting “or
15 qualified nuclear affected community investments”
16 after “qualified low-income community investments”.

17 (b) FIRST-TIME HOMEBUYER CREDIT.—

18 (1) IN GENERAL.—Section 36 of the Internal
19 Revenue Code of 1986 is amended—

20 (A) by inserting “**FOR NUCLEAR AF-**
21 **FECTED COMMUNITIES**” after “**CREDIT**” in
22 the heading;

23 (B) in subsection (a), by striking “in the
24 United States” and inserting “in a nuclear af-
25 fected community”;

1 (C) in subsection (b), by striking para-
2 graphs (2) and (3) and redesignating paragraph
3 (4) as paragraph (2);

4 (D) in subsection (c), by striking para-
5 graph (4) and by inserting after paragraph (3)
6 the following new paragraph:

7 “(4) NUCLEAR AFFECTED COMMUNITY.—The
8 term ‘nuclear affected community’ means an af-
9 fected community, as defined in section 3(2) of the
10 STRANDED Act of 2017.”; and

11 (E) by striking subsections (f), (g), and
12 (h).

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions for subpart C of part IV of subchapter A of
15 chapter 1 of such Code is amended by striking the
16 item relating to section 36 and inserting the fol-
17 lowing new item:

“Sec. 36. First-time homebuyer credit for nuclear affected communities.”.

18 (c) EFFECTIVE DATES.—

19 (1) NEW MARKETS TAX CREDIT.—The amend-
20 ments made by subsection (a) shall apply to alloca-
21 tions of credits under section 45D of the Internal
22 Revenue Code of 1986 in calendar years beginning
23 after the date of the enactment of this Act.

24 (2) FIRST-TIME HOMEBUYER CREDIT.—The
25 amendments made by subsection (b) shall apply to

1 the purchase of a principal residence after the date
2 of the enactment of this Act.

3 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There is authorized to be appro-
5 priated to carry out this Act \$100,000,000 for each of
6 fiscal years 2018 through 2024.

7 (b) NO OFFSET.—None of the funds made available
8 under this section may be used to offset the funding for
9 any other Federal program.

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