

118TH CONGRESS
1ST SESSION

H. R. 6303

To assess and improve the competitiveness of United States nuclear commerce, to expedite Department of Energy review of certain nuclear technology exports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2023

Mr. JOHNSON of Ohio 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 assess and improve the competitiveness of United States nuclear commerce, to expedite Department of Energy review of certain nuclear technology exports, 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 “Strengthening Amer-
5 ican Nuclear Competitiveness Act”.

1 **SEC. 2. COMPETITIVENESS OF NUCLEAR COMMERCE.**

2 (a) REPORT.—Not later than 180 days after the date
3 of enactment of this Act, the Secretary of Energy shall
4 develop and submit to Congress a report on United States
5 nuclear commerce.

6 (b) CONSULTATION.—In developing the report re-
7 quired under subsection (a), the Secretary of Energy shall
8 consult with—

9 (1) the Secretary of State;

10 (2) the Secretary of Commerce;

11 (3) the Administrator of the Environmental
12 Protection Agency;

13 (4) the Nuclear Regulatory Commission;

14 (5) any other Federal agency or office the Sec-
15 retary of Energy determines appropriate;

16 (6) the nuclear energy industry;

17 (7) nongovernmental nuclear policy organiza-
18 tions; and

19 (8) other public stakeholders, as the Secretary
20 of Energy determines appropriate.

21 (c) CONTENTS.—The report required under sub-
22 section (a) shall include—

23 (1) an assessment of—

24 (A) legal and regulatory requirements and
25 policies of, and commercial practices in, the

1 United States with respect to the nuclear indus-
2 try of the United States;

3 (B) the effects of such practices on such
4 nuclear industry in domestic and foreign com-
5 merce;

6 (C) the role of emerging United States nu-
7 clear technologies and applications of such tech-
8 nologies, including nonelectric applications of
9 those technologies, in domestic and foreign
10 commerce; and

11 (D) the effects of advanced manufacturing
12 and construction methods for nuclear tech-
13 nologies on—

14 (i) the costs for deployment of such
15 technologies; and

16 (ii) the competitiveness of the nuclear
17 industry of the United States;

18 (2) a comparison of the matters assessed in
19 paragraph (1) with respect to the United States to
20 an assessment of such matters as they apply with
21 respect to foreign countries, including Canada, the
22 United Kingdom, France, Japan, the Republic of
23 Korea, China, and the Russian Federation;

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

1 (4) recommendations relating to the applica-
2 bility of section 170 of the Atomic Energy Act of
3 1954 (42 U.S.C. 2210) with respect to advanced nu-
4 clear technologies.

5 **SEC. 3. PROCESS FOR REVIEW AND AMENDMENT OF PART**
6 **810 GENERALLY AUTHORIZED DESTINATIONS.**

7 (a) IDENTIFICATION AND EVALUATION OF FAC-
8 TORS.—Not later than 90 days after the date of enact-
9 ment of this Act, the Secretary of Energy, in consultation
10 with the Secretary of State, shall identify and evaluate
11 factors, other than agreements for cooperation entered
12 into in accordance with section 123 of the Atomic Energy
13 Act of 1954 (42 U.S.C. 2153), that may be used to deter-
14 mine a country's generally authorized destination status
15 under part 810 of title 10, Code of Federal Regulations,
16 and to list such country as a generally authorized destina-
17 tion in Appendix A to part 810 of title 10, Code of Federal
18 Regulations.

19 (b) PROCESS UPDATE.—The Secretary of Energy
20 shall review and, as appropriate, update the Department
21 of Energy's process for determining a country's generally
22 authorized destination status under part 810 of title 10,
23 Code of Federal Regulations, and for listing such country
24 as a generally authorized destination in Appendix A to
25 part 810 of title 10, Code of Federal Regulations, taking

1 into consideration, and, as appropriate, incorporating fac-
2 tors identified and evaluated under subsection (a).

3 (c) REVISIONS TO LIST.—Not later than one year
4 after the date of enactment of this Act, and at least once
5 every 5 years thereafter, the Secretary of Energy shall,
6 in accordance with any process updated pursuant to this
7 section, review the list in Appendix A to part 810 of title
8 10, Code of Federal Regulations, and amend such list as
9 appropriate.

10 **SEC. 4. LICENSING DOMESTIC NUCLEAR PROJECTS IN**
11 **WHICH UNITED STATES ALLIES INVEST.**

12 (a) IN GENERAL.—The prohibitions against issuing
13 certain licenses for utilization facilities to certain aliens,
14 corporations, and other entities described in the second
15 sentence of section 103 d. of the Atomic Energy Act of
16 1954 (42 U.S.C. 2133(d)) and the second sentence of sec-
17 tion 104 d. of that Act (42 U.S.C. 2134(d)) shall not
18 apply to an entity described in subsection (b) of this sec-
19 tion if the Nuclear Regulatory Commission determines
20 that issuance of the applicable license to that entity is not
21 inimical to—

22 (1) the common defense and security; or

23 (2) the health and safety of the public.

24 (b) ENTITIES DESCRIBED.—

1 (1) IN GENERAL.—An entity referred to in sub-
2 section (a) is an alien, corporation, or other entity
3 that is owned, controlled, or dominated by—

4 (A) the government of—

5 (i) a country, other than a country de-
6 scribed in paragraph (2), that is a member
7 of the Organization for Economic Co-oper-
8 ation and Development on the date of en-
9 actment of this Act; or

10 (ii) the Republic of India;

11 (B) a corporation that is incorporated in a
12 country described in clause (i) or (ii) of sub-
13 paragraph (A); or

14 (C) an alien who is a citizen or national of
15 a country described in clause (i) or (ii) of sub-
16 paragraph (A).

17 (2) EXCLUSION.—A country described in this
18 paragraph is a country—

19 (A) any department, agency, or instrumen-
20 tality of the government of which, on the date
21 of enactment of this Act, is subject to sanctions
22 under section 231 of the Countering America’s
23 Adversaries Through Sanctions Act (22 U.S.C.
24 9525); or

1 (B) any citizen, national, or entity of
2 which, as of the date of enactment of this Act,
3 is included on the List of Specially Designated
4 Nationals and Blocked Persons maintained by
5 the Office of Foreign Assets Control of the De-
6 partment of the Treasury pursuant to sanctions
7 imposed under section 231 of the Countering
8 America’s Adversaries Through Sanctions Act
9 (22 U.S.C. 9525).

10 (c) TECHNICAL AMENDMENT.—Section 103 d. of the
11 Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is
12 amended, in the second sentence, by striking “any any”
13 and inserting “any”.

14 (d) SAVINGS CLAUSE.—Nothing in this section af-
15 fects the requirements of section 721 of the Defense Pro-
16 duction Act of 1950 (50 U.S.C. 4565).

17 **SEC. 5. LICENSING CONSIDERATIONS RELATING TO USE OF**
18 **NUCLEAR ENERGY FOR NONELECTRIC APPLI-**
19 **CATIONS.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Nuclear Regulatory
22 Commission (in this section referred to as the “Commis-
23 sion”) shall submit to the Committee on Energy and Com-
24 merce of the House of Representatives and the Committee
25 on Environment and Public Works of the Senate a report

1 addressing any unique licensing issues or requirements re-
2 lating to—

3 (1) the flexible operation of advanced nuclear
4 reactors, such as ramping power output and switch-
5 ing between electricity generation and nonelectric
6 applications;

7 (2) the use of advanced nuclear reactors exclu-
8 sively for nonelectric applications; and

9 (3) the collocation of advanced nuclear reactors
10 with industrial plants or other facilities.

11 (b) STAKEHOLDER INPUT.—In developing the report
12 under subsection (a), the Commission shall seek input
13 from—

14 (1) the Secretary of Energy;

15 (2) the nuclear energy industry;

16 (3) technology developers;

17 (4) the industrial, chemical, and medical sec-
18 tors;

19 (5) nongovernmental organizations; and

20 (6) other public stakeholders.

21 (c) CONTENTS.—The report under subsection (a)
22 shall describe—

23 (1) any unique licensing issues or requirements
24 relating to the matters described in paragraphs (1)
25 through (3) of subsection (a), including, with respect

1 to the nonelectric applications referred to in para-
2 graphs (1) and (2) of that subsection, any licensing
3 issues or requirements relating to the use of nuclear
4 energy—

5 (A) for hydrogen or other liquid and gas-
6 eous fuel or chemical production;

7 (B) for water desalination and wastewater
8 treatment;

9 (C) for heat used in industrial processes;

10 (D) for district heating;

11 (E) in relation to energy storage;

12 (F) for industrial or medical isotope pro-
13 duction; and

14 (G) other applications, as identified by the
15 Commission;

16 (2) options for addressing such issues or re-
17 quirements—

18 (A) within the existing regulatory frame-
19 work;

20 (B) through the technology-inclusive, regu-
21 latory framework to be established under sec-
22 tion 103(a)(4) of the Nuclear Energy Innova-
23 tion and Modernization Act (42 U.S.C. 2133
24 note; Public Law 115–439); or

25 (C) through a new rulemaking;

1 (3) the extent to which Commission action is
2 needed to implement any matter described in the re-
3 port; and

4 (4) cost estimates, proposed budgets, and pro-
5 posed timeframes for implementing risk-informed
6 and performance-based regulatory guidance for li-
7 censing advanced nuclear reactors for nonelectric ap-
8 plications.

9 **SEC. 6. REPORT ON ADVANCED METHODS OF MANUFAC-**
10 **TURING AND CONSTRUCTION FOR NUCLEAR**
11 **ENERGY PROJECTS.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this Act, the Nuclear Regulatory
14 Commission (in this section referred to as the “Commis-
15 sion”) shall submit to the Committee on Energy and Com-
16 merce of the House of Representatives and the Committee
17 on Environment and Public Works of the Senate a report
18 on advanced methods of manufacturing and construction
19 for nuclear energy projects.

20 (b) STAKEHOLDER INPUT.—In developing the report
21 under subsection (a), the Commission shall seek input
22 from—

23 (1) the Secretary of Energy;

24 (2) the nuclear energy industry;

25 (3) the National Laboratories;

- 1 (4) institutions of higher education;
- 2 (5) nuclear and manufacturing technology de-
- 3 velopers;
- 4 (6) the manufacturing and construction indus-
- 5 tries;
- 6 (7) standards development organizations;
- 7 (8) labor unions;
- 8 (9) nongovernmental organizations; and
- 9 (10) other public stakeholders.

10 (c) CONTENTS.—

- 11 (1) IN GENERAL.—The report under subsection
- 12 (a) shall—

- 13 (A) examine any unique licensing issues or
- 14 requirements relating to the use, for nuclear en-
- 15 ergy projects, of—

- 16 (i) advanced manufacturing tech-
- 17 niques; and

- 18 (ii) advanced construction techniques;

- 19 (B) examine—

- 20 (i) the requirements for nuclear-grade
- 21 components in manufacturing and con-
- 22 struction for nuclear energy projects;

- 23 (ii) opportunities to use standard ma-
- 24 terials, parts, or components in manufac-

1 turing and construction for nuclear energy
2 applications; and

3 (iii) opportunities to use standard ma-
4 terials that are in compliance with existing
5 codes and standards to provide acceptable
6 approaches to support or encapsulate new
7 materials that do not yet have applicable
8 codes or standards;

9 (C) identify safety aspects of advanced
10 manufacturing processes and advanced con-
11 struction techniques that are not addressed by
12 existing codes and standards, so that generic
13 guidance for nuclear energy projects may be up-
14 dated or created as necessary by the Commis-
15 sion;

16 (D) identify options for addressing the
17 issues, requirements, and opportunities exam-
18 ined under subparagraphs (A) and (B)—

19 (i) within the existing regulatory
20 framework; or

21 (ii) through a new rulemaking; and

22 (E) describe the extent to which Commis-
23 sion action is needed to implement any matter
24 described in the report.

1 (2) COST ESTIMATES, BUDGETS, AND TIME-
2 FRAMES.—The report under subsection (a) shall in-
3 clude cost estimates, proposed budgets, and pro-
4 posed timeframes for implementing risk-informed
5 and performance-based regulatory guidance for ad-
6 vanced manufacturing and construction for nuclear
7 energy projects.

8 **SEC. 7. EXTENSION OF THE PRICE-ANDERSON ACT.**

9 (a) EXTENSION.—Section 170 of the Atomic Energy
10 Act of 1954 (42 U.S.C. 2210) (commonly known as the
11 “Price-Anderson Act”) is amended by striking “December
12 31, 2025” each place it appears and inserting “December
13 31, 2065”.

14 (b) LIABILITY.—Section 170 of the Atomic Energy
15 Act of 1954 (42 U.S.C. 2210) (commonly known as the
16 “Price-Anderson Act”) is amended—

17 (1) in subsection d. (5), by striking
18 “\$500,000,000” and inserting “\$2,000,000,000”;
19 and

20 (2) in subsection e. (4), by striking
21 “\$500,000,000” and inserting “\$2,000,000,000”.

22 (c) REPORT.—Section 170 p. of the Atomic Energy
23 Act of 1954 (42 U.S.C. 2210(p)) (commonly known as the
24 “Price-Anderson Act”) is amended by striking “December
25 31, 2021” and inserting “December 31, 2061”.

1 (d) DEFINITION OF NUCLEAR INCIDENT.—Section
2 11 q. of the Atomic Energy Act of 1954 (42 U.S.C.
3 2014(q)) is amended, in the second proviso, by striking
4 “if such occurrence” and all that follows through “United
5 States:” and inserting a colon.

6 **SEC. 8. RISK POOLING PROGRAM ASSESSMENT.**

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

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

18 (1) an evaluation of the Secretary of Energy’s
19 actions to determine the risk-informed assessment
20 formula under section 934(e)(2)(C) of the Energy
21 Independence and Security Act of 2007 (42 U.S.C.
22 17373(e)(2)(C)); and

- 1 (2) a review of the Secretary of Energy's meth-
- 2 odology to collect information to determine and im-
- 3 plement the formula.

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