

116TH CONGRESS
2D SESSION

H. R. 7405

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2020

Mr. JOHNSON of Ohio introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, 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 American civilian 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 civil 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; and

13 (4) the Nuclear Regulatory Commission.

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

16 (1) an assessment of—

17 (A) current legal, regulatory, policy, and
18 commercial practices of the United States with
19 respect to the civilian nuclear industry of the
20 United States; and

21 (B) the impacts of such practices on such
22 civilian nuclear industry in the United States
23 and in foreign commerce;

24 (2) a comparison of the practices of the United
25 States described in paragraph (1) to practices of for-

1 eign countries with respect to the civilian nuclear in-
2 dustry of such countries;

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

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

10 **SEC. 3. EXPEDITING NUCLEAR TECHNOLOGY EXPORTS.**

11 (a) EXPEDITED PROCEDURES.—Section 57 of the
12 Atomic Energy Act (42 U.S.C. 2077(d)) is amended by
13 adding at the end the following new subsection:

14 “(f) EXPEDITED PROCEDURES.—

15 “(1) ESTABLISHMENT.—In carrying out sub-
16 section b.(2), the Secretary of Energy shall establish
17 procedures for expedited consideration of requests
18 for authorizations regarding the transfer of a tech-
19 nology that involves a low-proliferation-risk reactor
20 activity described in paragraph (2) to a foreign
21 country described in paragraph (3).

22 “(2) ACTIVITIES.—A low-proliferation-risk reac-
23 tor activity described in this paragraph is an activity
24 that meets each of following criteria:

1 “(A) The activity is listed in section
2 810.2(b) of title 10, Code of Federal Regula-
3 tions, as in effect on March 25, 2015.

4 “(B) The activity is not an activity requir-
5 ing a specific authorization pursuant to section
6 810.7(c) of such title, as in effect on such date.

7 “(C) The Secretary determines that the
8 transfer (or retransfer) of a technology that in-
9 volves the activity will not result in a significant
10 increase of the risk of proliferation beyond such
11 risk that exists at the time that the authoriza-
12 tion is requested.

13 “(3) FOREIGN COUNTRIES.—A foreign country
14 described in this paragraph is a foreign country—

15 “(A) that is not a nuclear-weapon state, as
16 defined by Article IX(3) of the Treaty on the
17 Non-Proliferation of Nuclear Weapons, signed
18 at Washington, London, and Moscow on July 1,
19 1968, other than the United Kingdom or
20 France; and

21 “(B) with respect to which the Secretary
22 determines under subsection b.(2) that a trans-
23 fer to the country of a technology that involves
24 a low-proliferation-risk reactor activity de-
25 scribed in paragraph (2) of this subsection will

1 not be inimical to the interest of the United
2 States.

3 “(4) CONCURRENCE AND CONSULTATION.—The
4 Secretary of Energy shall establish the procedures
5 under paragraph (1) with the concurrence of the De-
6 partment of State and after consultation with the
7 Nuclear Regulatory Commission, the Department of
8 Commerce, and the Department of Defense.

9 “(5) TIMING AND AVAILABILITY.—The proce-
10 dures established under paragraph (1) shall—

11 “(A) ensure that each request is approved
12 or denied by not later than 45 days after the
13 later of—

14 “(i) the date on which the foreign
15 country transmits any required assurances
16 to the Department of State; or

17 “(ii) the date on which the inter-
18 agency review under subsection b. is com-
19 pleted; and

20 “(B) be publicly available.”.

21 (b) ASSURANCES.—Section 57 b.(2) of such Act (42
22 U.S.C. 2077(b)(2)) is amended by inserting after “mecha-
23 nisms.” the following new sentence: “To the extent prac-
24 ticable, the Secretary of Energy shall continue to process
25 such requests during such interagency review in a manner

1 that enables the Secretary to make such determination as
2 soon as practicable after the receipt of assurances by a
3 foreign country to the Department of State, if any such
4 assurances are required.”.

5 **SEC. 4. COMMERCIAL LICENSE RESTRICTIONS ASSESS-**
6 **MENT.**

7 Not later than 18 months after the date of enactment
8 of this Act, the Comptroller General shall transmit to Con-
9 gress a report containing the results of a study on the
10 feasibility and implications of modifying or repealing re-
11 strictions under sections 103 d. and 104 d. of the Atomic
12 Energy Act of 1954 (42 U.S.C. 2133(d); 2134(d)) on
13 issuing licenses for certain nuclear facilities to an alien
14 or an entity owned, controlled, or dominated by an alien,
15 a foreign corporation, or a foreign government.

16 **SEC. 5. RISK POOLING PROGRAM ASSESSMENT.**

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

1 (b) CONTENTS.—The report described in subsection

2 (a) shall include—

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

7 (2) a review of the Secretary of Energy's meth-
8 odology to collect information to determine and im-
9 plement the formula; and

10 (3) an evaluation of the program described in
11 section 934(e) of the Energy Independence and Se-
12 curity Act of 2007 (42 U.S.C. 17373(e)), including
13 the Secretary of Energy's actions with respect to
14 such program.

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