

# BUSINESS MEETING

---

## MEETING

BEFORE THE

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

### UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

DECEMBER 2, 2020

Printed for the use of the Committee on Environment and Public Works



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

42-932 PDF

WASHINGTON : 2021

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

JOHN BARRASSO, Wyoming, *Chairman*

JAMES M. INHOFE, Oklahoma

SHELLEY MOORE CAPITO, West Virginia

KEVIN CRAMER, North Dakota

MIKE BRAUN, Indiana

MIKE ROUNDS, South Dakota

DAN SULLIVAN, Alaska

JOHN BOOZMAN, Arkansas

ROGER WICKER, Mississippi

RICHARD SHELBY, Alabama

JONI ERNST, Iowa

THOMAS R. CARPER, Delaware,

*Ranking Member*

BENJAMIN L. CARDIN, Maryland

BERNARD SANDERS, Vermont

SHELDON WHITEHOUSE, Rhode Island

JEFF MERKLEY, Oregon

KIRSTEN GILLIBRAND, New York

CORY A. BOOKER, New Jersey

EDWARD J. MARKEY, Massachusetts

TAMMY DUCKWORTH, Illinois

CHRIS VAN HOLLEN, Maryland

RICHARD M. RUSSELL, *Majority Staff Director*

MARY FRANCES REPKO, *Minority Staff Director*



# C O N T E N T S

	Page
<b>DECEMBER 2, 2020</b>	
<b>OPENING STATEMENTS</b>	
Barrasso, Hon. John, U.S. Senator from the State of Wyoming .....	1
Carper, Hon. Thomas R., U.S. Senator from the State of Delaware .....	2
Van Hollen, Hon. Chris, U.S. Senator from the State of Maryland, prepared statement .....	54
<b>LEGISLATION</b>	
S. 4897, “American Nuclear Infrastructure Act of 2020,” amendment in the nature of a substitute .....	80
Cardin Amendment #1, To reestablish United States global leadership in nuclear energy, revitalize domestic nuclear energy supply chain infrastructure, support the licensing of advanced nuclear technologies, and improve the regulation of nuclear energy, and for other purposes ...	141
Revised Van Hollen Amendment #1, To reestablish United States global leadership in nuclear energy, revitalize domestic nuclear energy supply chain infrastructure, support the licensing of advanced nuclear technologies, and improve the regulation of nuclear energy, and for other purposes .....	151
General Services Administration resolutions .....	154
<b>ADDITIONAL MATERIAL</b>	
Statement of the American Nuclear Society, December 1, 2020 .....	9
Letter to Senators Barrasso and Carper from ClearPath Action, December 1, 2020 .....	10
The American Nuclear Infrastructure Act provides bipartisan support for nuclear innovation in the United States, <a href="http://www.atlanticcouncil.org">www.atlanticcouncil.org</a> , December 9, 2020 .....	12
Letter to Senators Barrasso and Carper from the Uranium Producers of America, December 10, 2020 .....	14
BPC Action Applauds Bipartisan American Nuclear Infrastructure Act, December 3, 2020 .....	16
Letter to Senators Barrasso and Carper from the Chamber of Commerce of the United States of America, December 1, 2020 .....	17
Citizens for Responsible Energy Solutions Twitter thread, November 20, 2020 .....	18
CRES Welcomes Introduction of American Nuclear Infrastructure Act, November 18, 2020 .....	20
Clean Air Task Force Twitter thread, December 2, 2020 .....	22
Clean Air Task Force statement on EPW Passage of the American Nuclear Infrastructure Act of 2020, December 2, 2020 .....	23
Exelon Generation Twitter thread, December 2, 2020 .....	25
Letter to Senator Barrasso et al. from the International Brotherhood of Electrical Workers, December 1, 2020 .....	27
Letter to Senators Barrasso and Carper from the Clean Air Task Force et al., December 11, 2020 .....	29
Letter to Senator Barrasso et al. from the Nuclear Energy Institute, November 20, 2020 .....	31
Letter to Senator Barrasso from the National Mining Association, December 10, 2020 .....	33

# IV

	Page
PSEG LinkedIn post .....	35
PSEG Twitter thread, December 8, 2020 .....	36
TerraPower quote of support, December 3, 2020 .....	37
Third Way Climate & Energy Twitter thread, November 17, 2020 .....	39
Third Way Applauds Introduction of the American Nuclear Infrastructure Act, November 17, 2020 .....	43
Global Energy Institute Twitter thread, November 17, 2020 .....	45
Letter to Senators Barrasso and Carper from the United States Nuclear Industry Council, December 2, 2020 .....	46
Letter to Senators Barrasso and Carper from the Utility Workers Union of America, December 1, 2020 .....	48
Letter from League of Conservation Voters et al., December 1, 2020 .....	57
Letter to Senators Barrasso and Carper from Accents Away et al., December 1, 2020 .....	61
Letter to Senators Barrasso and Carper et al. from the Nuclear Information and Resource Service et al., November 30, 2020 .....	66

## **BUSINESS MEETING**

---

**WEDNESDAY, DECEMBER 2, 2020**

U.S. SENATE,  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,  
*Washington, DC.*

The Committee, met, pursuant to notice, at 9:47 a.m. in room 406, Dirksen Senate Office Building, Hon. John Barrasso (Chairman of the Committee) presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Cramer, Braun, Rounds, Boozman, Wicker, Ernst, Cardin, Whitehouse, Merkley, Booker, Markey, and Van Hollen.

### **OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM THE STATE OF WYOMING**

Senator BARRASSO. Good morning. I call this business meeting to order.

Today we will consider the American Nuclear Infrastructure Act of 2020, as well as eight General Services Administration resolutions.

Senator Carper and I have agreed that we will begin voting at 9:55. At that time, I will call up the items on the agenda. We will not debate the items on the agenda while we are voting. Instead, we will debate these items before we vote, and I will also be happy to recognize any member who still wishes to speak after the voting concludes.

Last month, I introduced the American Nuclear Infrastructure Act with Senators Whitehouse and Crapo and Booker. I want to thank all of them for their efforts to craft this important legislation.

I also want to thank Ranking Member Carper for working with all of us to draft a substitute amendment that I actually believe will improve the bill. So I want to thank you, as well as I want to thank Senator Capito, who cosponsored the bill as well.

The American Nuclear Infrastructure Act will promote U.S. international leadership. It will preserve America's nuclear fuel supply chain, it will prevent more carbon emissions from entering our atmosphere, and it will protect our economic, our energy, and our national security.

Advanced nuclear technologies will be safer, smaller, and more flexible. These designs will provide additional reliable, clean electricity in addition to the nuclear power that is available today.

The bill supports pioneers who are developing new ways to generate nuclear power. It also supports innovators who are exploring new ways to use it. We can further reduce our emissions and

strengthen our security by incentivizing new technologies that allow for nuclear power to be used beyond the electricity sector.

Deploying new nuclear reactors will provide enormous environmental benefits. Innovation, not government regulations and taxes, to me, is the best way to address climate change.

American uranium should fuel America's nuclear reactors. Wyoming is the leading uranium producer in the United States, but American producers continue to be threatened by our foreign adversaries.

Russia and its allies have unfairly flooded the global uranium market with cheap nuclear fuel. This hurts our businesses, and it costs jobs.

The American Nuclear Infrastructure Act establishes a national uranium reserve. The reserve will ensure that America is not dependent on our rivals for our nuclear fuel.

Two years ago, this Committee worked to pass the Nuclear Energy Innovation and Modernization Act with overwhelming bipartisan support. I introduced that bill with Senators Whitehouse and Inhofe and Booker and Capito and Manchin and Crapo and Fischer. A bipartisan group of 11 additional members, including Senators Carper and Rounds and Duckworth, also joined as cosponsors.

That bill laid the foundation for the development of safety rules that govern new advanced nuclear technologies. It also increased transparency and predictability in how the Nuclear Regulatory Commission recovers its funding.

President Trump signed that bill into law in January 2019. The Nuclear Regulatory Commission continues to implement the law. While we move forward with today's bill, our Committee will continue to oversee how our previous bipartisan legislation is implemented.

Again, I want to thank all the members of this Committee for working with me to introduce and improve the American Nuclear Infrastructure Act. I am going to continue to work with them as we move forward with this legislation.

Last, we are going to consider eight resolutions to approve General Services Administration prospectuses. These will enable Federal agencies to update buildings to ensure safety and consolidate space, resulting in increased efficiency and fiscal responsibility.

I would now like to turn to Ranking Member Carper for his statement.

**OPENING STATEMENT OF HON. THOMAS R. CARPER,  
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Thanks very much, Mr. Chairman.

Good morning, colleagues, and welcome to the last Senate Environment and Public Works Committee business meeting of the 116th Congress.

Today marks the end of an era. It is the last EPW business meeting to be led by our friend and colleague, Chairman John Barrasso of Wyoming, better known as Bobbi's husband.

Mr. Chairman, we are proud of what we have accomplished on this Committee these past several years by working together. I will just mention a few of those accomplishments if I may. In 2018, we

passed a comprehensive reauthorization of the Water Resources Development Act, and we are on the cusp of doing so again, here, this year.

Last year, we unanimously reported out of Committee the most significant highway funding bill the Senate has ever seen, one with a substantial climate title that is included in it.

In addition, we have enacted a slew of wildlife bills that improve conservation efforts, protect habitat and the creatures that God has placed on this Earth with all of us, and we reached a consequential bipartisan compromise to enact a nationwide phasedown of HFCs. That is worth a half-degree Celsius alone in the battle against the climate crisis. We have to get that bill passed and incorporate it into the omnibus bill literally today, I believe.

I would be remiss not to mention one of my favorite moments that we have shared together: When a nominee sat right in front of us, from Wyoming, a long time friend of our Chairman, and testified at his confirmation hearing to be Assistant Secretary of the Interior.

Your friend, Mr. Chairman, Rob Wallace, said these words: "Along the way, I have learned so much, especially that no one ever really wins by winning everything, that bipartisan solutions are always the lasting solutions."

Mr. Chairman, some of you may remember those that day, and I certainly do, but those words really struck a chord with me and a number of our colleagues as well. Because that is something all of us have learned along the way, too, that bipartisan solutions truly are lasting solutions.

When I reflect on our work together over the last 4 years, colleagues, it gives true meaning to these words, because that is exactly what we endeavor to do on this Committee, and more often than not, we do it well. We foster lasting solutions to clean our air and our water and combat global warming while creating an environment that fosters economic growth and job creation.

So thank you, Mr. Chairman, and a special thanks to your staff, led by Richard Russell. Some of those folks on your staff I suspect will go with you to the Energy and Natural Resources Committee, but a special thank you for bringing the timeless words into our lives of your friend, Rob Wallace, and into the work of our Committee.

Coincidentally, this markup today falls on a monumental day for our Nation. Today is, as you may know, the 50th anniversary of the Environmental Protection Agency. Pretty amazing. Fifty years.

In 1970, I don't know what the rest of you were doing, I was a young naval flight officer preparing to head out with my squadron out on our first of three tours in Southeast Asia.

As our Nation waged a war abroad, we faced deepening divisions and mounting environmental crises right here at home.

Polluters dumped waste into our waterways without consequence, factories released toxic fumes, and acid rain fell from the sky.

In Cleveland, Ohio, just north of where I went to college at Ohio State, the Cuyahoga River was so polluted that it caught on fire.

In California, where my squadron and I were stationed, an off-shore oil rig spilled millions of gallons of oil onto the beaches. Many of us saw it with our own eyes.

Smog in major cities around the country was so thick, you could almost cut it with a knife.

In the face of all that adversity, the American people didn't just sit around and whine about it. They created a movement. Millions of Americans took to the streets calling for transformative action to protect our planet.

In response, a Republican President, a Republican President, Richard Nixon, helped lead the efforts to create the Environmental Protection Agency, a new Federal agency with a mission of protecting human health and the environment.

For 50 years, 50 years, the EPA has been instrumental in protecting our air that we breathe, cleaning up the water we drink, and improving public health.

So as we celebrate the strides made over the last 50 years to clean up our air, improve public health, it is all so timely that our Committee is considering legislation that will help harness our Nation's potential for nuclear power, by far the largest source of clean, reliable, carbon-free energy in our country, and make it safer still.

Today, we are considering the American Nuclear Infrastructure Act, as the Chairman said, of 2020, coauthored by our Chair and by Senator Booker and by Senator Whitehouse. We thank them for their collective efforts to support advanced nuclear technology.

During our Committee hearing on this legislation in August, I shared some of my reservations, as some of you recall, about the bill, specifically, its proposed changes to the Nuclear Regulatory Commission's permitting process.

Some of you may recall that we recently enacted the Nuclear Energy Innovation and Modernization Act, affectionately known as NEIMA, which made several necessary changes to the NRC's regulatory structure for advanced nuclear technologies.

I feared that any additional and unwarranted changes to that structure could seriously disrupt the regulatory process, jeopardizing safety. I also expressed my concerns in creating a new but unfunded incentive program for existing nuclear industry at EPA would risk asking the agency to do more with far fewer resources.

Given the budget restraints placed on the NRC through NEIMA, it was important to me and some of our colleagues that this legislation would not further strain the NRC in a way that jeopardizes safety and public health.

For 6 months, my staff worked with the Chairman's staff and other folks around this room together, and I am happy to say, that our substitute amendment resolves and addresses the issues and concerns that we raised.

I want to thank our Chairman, and I want to thank his staff for working with my staff. Supporting nuclear energy and advancing nuclear technologies is a high priority for many of us. So I am grateful that the Chairman's willingness to help us get to yes on this legislation has been successful. Always keeping our eye on safety. Always keeping our eye on safety.

Today, we are also moving eight General Services Administration prospective resolutions, including one for a Veterans Administration building in Hawaii.

I know there are several of us here on this Committee, including, I think, Senator Ernst, Senator Sullivan, and others that I may not be remembering right now, but they have served, I have served our country in uniform, and I know we take a special privilege in moving that GSA resolution out of Committee today.

I want to conclude my remarks by briefly sharing with my colleagues the passage of S. 4684, I think it was passed last night in wrap up.

It was introduced by a colleague and friend, Mike Enzi, one of his last bills, and it calls for the naming of a post office building in Thermopolis, Wyoming, after its former postmaster, Robert Brown, the late father of Bobbi Barrasso, our Chairman's wife.

Robert Brown didn't just serve in the Army. He served with courage. He served with distinction, not just in World War II, but in Korea, as well. Many awards, many military awards, and recognitions, among them, the Bronze Star. He passed away earlier this year.

What month was it, 2 months ago?

Senator BARRASSO. On 9/11.

Senator CARPER. On 9/11, at the age of 94.

Several months before his death, Mr. Brown was driven to a treatment facility in Montana hundreds of miles away. How far away?

Senator BARRASSO. About 300 miles.

Senator CARPER. Three hundred miles away, and later that day, driven back to Wyoming after receiving his treatment. His driver for that memorable road trip was his son-in-law, our Chairman, John Barrasso, a man of many skills: Surgeon, talk show host, driver, and Chairman of the Committee that all of us revere.

So, my friend, as you weigh anchor this year and set sail for your next assignment on the Senate Committee on Energy and Natural Resources, we all wish you, as we say in the Navy, fair winds, and a following sea.

God bless you, Mr. Chairman.

Senator BARRASSO. Well, thank you so much, Senator Carper.

Bob Brown actually worked at that post office for 44 years and was postmaster there. Remarkable man and a great man of courage.

We have members here, and we are ready to vote. Let me just, before getting to that, I want to thank you for these wonderful years working with you as a partner. We have introduced, written, improved, passed, and implemented laws together, and we have done it in a cooperative and bipartisan way, and I could not have had a better partner.

I remember calling you when it looked like I was going to be Chairman of the Committee, and asked if you were going to be the Ranking Member, and we had a long discussion. We said that we would work together, be honest with each other, open with each other, and work to improve our environment and the public works of this country. With you as a partner, we have been able to do that.

For the benefit of all, we have done it in a bipartisan way. We haven't agreed on everything, but we have always followed that Mike Enzi rule: Let's leave out the stuff we don't agree on, adopt the things that we do, which is how we got 21 people to unanimously vote for water infrastructure, highway infrastructure, because we made sure that every member was heard. It has been wonderful to work with you.

I know a number of members have additional places they need to get to, so with that, I am going to move ahead and as soon as we finish with the voting, I have Senator Whitehouse first, and then Senator Booker next to speak.

But now that we do have all the members here, I want to move to a vote on the items of today's agenda. Members who have not yet discussed amendments that they have filed may do so after the voting concludes. The Ranking Member and I have agreed to vote on the eight GSA resolutions en bloc by voice vote. We have also agreed to vote on accepted amendments to the Nuclear Bill en bloc by voice vote.

There has been a request for a recorded vote on final passage of the Nuclear Bill, and therefore we will have a recorded vote on that final passage. Members may choose to have their votes recorded for specific items in the en bloc of pieces of legislation.

So now, I would like to call up the Barrasso-Carper Substitute Amendment to S. 4897, America's Nuclear Infrastructure Act of 2020. It was circulated last Friday.

The Ranking Member and I have agreed that this substitute shall be considered the original text for purposes of amendments. Members have filed amendments to the substitute.

The Ranking Member and I have agreed to revise the filed version of the Van Hollen No. 1 to reflect necessary modifications. I am pleased to accept revised Van Hollen No. 1.

The Ranking Member and I have agreed to vote on Cardin No. 1 and revised Van Hollen No. 1 en bloc by voice vote.

I would like to call up Cardin No. 1 and revised Van Hollen No. 1 en bloc and ask that members withhold discussion on their agreed upon amendments until after we complete the voting.

I move to approve Cardin 1 and revised Van Hollen 1 en bloc.  
Is there a second?

Senator CARPER. Second.

Senator BARRASSO. All those in favor, please say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, nay.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. Cardin No. 1 and the revised Van Hollen No. 1 are agreed to.

Again, I am happy for members who want to discuss other amendments to do so after the voting concludes without offering them now.

Any Senators seek recognition to offer an amendment?

Seeing no member wishing to offer an amendment, I move to approve the substitute amendment to S. 4897 as amended and report S. 4897 as amended favorably to the floor.

We will hold a roll call vote. Is there a second to do that?

Senator CARPER. Second.



Senator BARRASSO. The clerk will call the roll.

The CLERK. Mr. Booker.

Senator BOOKER. Yes.

The CLERK. Mr. Boozman.

Senator BOOZMAN. Yes.

The CLERK. Mr. Braun.

Senator BRAUN. Yes.

The CLERK. Ms. Capito.

Senator CAPITO. Aye.

The CLERK. Mr. Cardin.

Senator CARDIN. Aye.

The CLERK. Mr. Carper.

Senator CARPER. Aye.

The CLERK. Mr. Cramer.

Senator CRAMER. Aye.

The CLERK. Ms. Duckworth.

Senator CARPER. No by proxy.

The CLERK. Ms. Ernst.

Senator ERNST. Aye.

The CLERK. Mrs. Gillibrand.

Senator CARPER. No by proxy.

The CLERK. Mr. Inhofe.

Senator INHOFE. Aye.

The CLERK. Mr. Markey.

Senator MARKEY. No.

The CLERK. Mr. Merkley.

Senator MERKLEY. No.

The CLERK. Mr. Rounds.

Senator ROUNDS. Aye.

The CLERK. Mr. Sanders.

Senator CARPER. No by proxy.

The CLERK. Mr. Shelby.

Senator BARRASSO. Aye by proxy.

The CLERK. Mr. Sullivan.

Senator BARRASSO. Aye by proxy.

The CLERK. Mr. Van Hollen.

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Whitehouse.

Senator WHITEHOUSE. Aye.

The CLERK. Mr. Wicker.

Senator WICKER. Aye.

The CLERK. Mr. Chairman.

Senator BARRASSO. Aye.

The clerk will report.

The CLERK. Mr. Chairman, the yeas are 16, the nays are 5.

Senator BARRASSO. Can you repeat that, so I can hear you clearly?

The CLERK. The yeas are 16, the nays are 5.

Senator BARRASSO. The yeas are 16, the nays are 5. We have approved S. 4897 as amended, which will be reported favorably to the Senate.

I would now like to call up eight General Service Administration resolutions en bloc.

I move to approve the eight GSA resolutions en bloc.

Is there a second?

Senator CARPER. Second.

Senator BARRASSO. All those in favor, say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, nay.

[No audible response.]

Senator BARRASSO. The opinion of the Chair is that the ayes have it; we have approved these resolutions.

The voting part of the business has been concluded.

I am now happy to recognize any member who wishes to make a statement on the legislation or resolutions we have just approved.

I do ask unanimous consent that the entire statements of the records of support of the American Nuclear Infrastructure Act be included in the record of today's meeting, without objection.

[The referenced information follows:]

American Nuclear Society  
555 N. Kensington Ave.  
La Grange Park, IL 60526  
708-352-6611



December 1, 2020

**RE: American Nuclear Society (ANS) comment on the introduction of S.4987, the American Nuclear Infrastructure Act of 2020**

On behalf of America's nuclear technology professionals, I applaud the introduction of the bipartisan American Nuclear Infrastructure Act of 2020 (ANIA), S.4897.

In particular, ANS welcomes the ANIA provisions to empower the U.S. Nuclear Regulatory Commission (NRC) in leading international forums to develop regulations on advanced nuclear reactor designs and to establish a more predictable and efficient permitting process at the NRC for advanced nuclear technologies. We also commend the sponsors for including provisions aimed at incentivizing commercial deployment of new reactor designs, valuing the attributes of our existing nuclear fleet, creating advanced nuclear fuels, supporting workforce development, and reducing unnecessary regulatory barriers.

Taken together, we believe this legislation would provide an expanded set of policy tools for ushering in a new generation of advanced reactors needed for deep decarbonization in the U.S. and around the world.

America's nuclear engineers and scientists are ready to design, build, and operate tomorrow's advanced nuclear reactors for a sustainable clean energy future.

Respectfully,

A handwritten signature in black ink, appearing to read "C. H. Piercy", written in a cursive style.

Craig H. Piercy, Executive Director/CEO  
American Nuclear Society



---

December 1, 2020

The Honorable John Barrasso  
Chairman  
The U.S. Senate Environment & Public Works Committee  
Washington, DC

The Honorable Tom Carper  
Ranking Member  
The U.S. Senate Environment & Public Works Committee  
Washington, DC

Dear Senator Barrasso and Senator Carper:

On behalf of ClearPath Action, a 501(c)(4) organization working to advance conservative policies that accelerate clean energy innovation, I am writing to support the *American Nuclear Infrastructure Act of 2020 (S.4897)*. The multiple, innovative programs established in this bill support both currently operating nuclear reactors as well as the next generation of reactor technologies.

S.4897 is the next piece of significant legislation that builds upon the ongoing bi-partisan support for America's nuclear energy industry. Its provisions expand upon the *Nuclear Energy Innovation and Modernization Act (P.L. 115-439)* to direct the Nuclear Regulatory Commission (NRC) to continue to modernize its regulatory review processes. Efficiencies in the environmental review process and reviewing new license applications will help enable nuclear energy to deploy at a rapid enough scale to support decarbonization. In addition, preemptively reviewing U.S. Department of Energy sites for demonstration reactors can help companies partner with the National Labs to test out innovative concepts, including advanced methods of manufacturing and construction.

Awarding prizes to first mover companies supports competition, but also recognizes the challenges of being first through the licensing process when using innovative technologies. The targeted credit program to perverse or existing nuclear fleet, the foundation of our nation's low carbon electricity, allows plants to continue decreasing operating costs without prematurely shutting down.

Advanced nuclear, due to its dispatchable and high temperature attributes, can also be used to decarbonize other energy sectors. Identifying any unique licensing considerations related to using nuclear energy for non-electric applications will help ensure there are no undue barriers.

Finally, today nearly 30 countries have expressed interest in building nuclear energy. Empowering the NRC to engage with and help develop other countries' regulatory agencies strengthens international safety and security standards. Furthermore, permitting investments by allied countries strengthens the United States by building long-term partnerships that could lead to

deploying U.S. reactors in other international markets. Both of these provisions, as well as other aspects of the legislation, take a long term view on the role the United States should play in the global nuclear industry.

The *American Nuclear Infrastructure Act* is an important next step in modernizing our regulatory infrastructure and rebuilding our nuclear industrial capabilities. We look forward to working with the Committee on this proposal.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rich Powell". The signature is fluid and cursive, with the first name "Rich" and last name "Powell" clearly distinguishable.

Rich Powell  
Executive Director, ClearPath Action

12/10/2020

The American Nuclear Infrastructure Act provides bipartisan support for nuclear innovation in the United States - Atlantic Council

WED, DEC 9, 2020

## The American Nuclear Infrastructure Act provides bipartisan support for nuclear innovation in the United States

EnergySource by Amy C. Roma

Energy &amp; Environment

Nuclear Energy

United States and Canada



US Capitol Building (Eurobanks/Shutterstock)

The United States has been the global leader in nuclear power technology since the 1950s, when the "Atoms for Peace" program supported the development of the peaceful use of nuclear technology as part of US geopolitical strategy. Nuclear power continues to have significant and strategic geopolitical importance, which only grows as new-to-nuclear countries seek to build nuclear power plants, and as nations pursue new and innovative uses for carbon-free nuclear power. Nuclear power has the ability to raise the global standard of living by providing reliable energy to billions of people around the world, while also providing much needed carbon-free power to combat the existential threat of climate change.

The advanced nuclear power technologies currently under development are very different from the large-scale, light-water reactors that dominate the world today. This new generation of reactors are often small, scalable, and flexible. They can pair with renewables, power remote communities, desalinate water, and revolutionize sea and space travel. Unfortunately, the current nuclear regulatory framework in this country—which was designed for large nuclear power plants—was not meant to encompass the wide range of technologies and intended uses planned by the next generation of nuclear developers. But Congress has stepped in to help address this gap and support these emerging technologies.

A bipartisan group of US senators—John Barrasso (R-WY), Sheldon Whitehouse (D-RI), Mike Crapo (R-ID), and Cory Booker (D-NJ)—introduced the **American Nuclear Infrastructure Act (ANIA)** on November 16, 2020 (a section-by-section analysis is available [here](#)). The Senate Committee on Environment and Public Works (EPW) held a **hearing** on the **discussion draft** version of ANIA in August. This bill is out of Committee and currently before the full Senate for a vote.

ANIA is in good company, as there is solid recent precedent for bipartisan support of nuclear legislation. For example, in the past few years, Congress passed two staple nuclear bills—the **Nuclear Energy Innovation Capabilities Act** and the **Nuclear Energy Innovation and Modernization Act**—with champions on both sides of the congressional aisle. It appears that both Republican and Democratic members are eager to support zero-carbon emission electricity in an industry that promises tens of thousands of jobs and billions of dollars in foreign trade opportunities.

12/10/2020

The American Nuclear Infrastructure Act provides bipartisan support for nuclear innovation in the United States - Atlantic Council

Nuclear energy **provides** about 55 percent of carbon-free power in the United States and has effectively prevented around 506 million metric tons of CO<sub>2</sub> emissions. Despite these benefits, the current nuclear reactor fleet is struggling. ANIA provides a safeguard for the current fleet—which has **supplied the United States with 20 percent** of its electricity since 1990. In order to support the current fleet, ANIA would authorize a targeted credit program to preserve plants at risk of prematurely shutting down and revitalize the US supply chain infrastructure, including the development of advanced fuels and the use of modern manufacturing techniques for new nuclear construction.

ANIA also enables the United States to compete on the international nuclear stage, especially by encouraging the development of advanced nuclear technology, which has encountered a number of regulatory barriers. Most importantly, ANIA proposes pathways to make the licensing process for advanced nuclear more predictable and efficient; create multiple prizes to incentivize the successful licensing process of next generation nuclear technologies; and require the Nuclear Regulatory Commission (NRC) to identify and update regulatory barriers to enable advanced nuclear technologies to reduce industrial emissions.

Finally, ANIA contains provisions that support nuclear energy more broadly. These include enabling the NRC to coordinate the international establishment of certain technical standards, efforts to build nuclear regulatory organizations and legal frameworks, and exchange programs and training with other countries. ANIA also would revise the Atomic Energy Act's **outdated** foreign ownership, control, or domination (FOCD) restriction to facilitate investments in US nuclear projects by US allies.

Through the provisions discussed above, ANIA bolsters the current fleet of nuclear plants, potentially saving an upwards of **a half a million jobs**. It also promotes the development a new generation of nuclear reactors and rebuilds our high-technology manufacturing and export economy. The nuclear field fosters highly skilled professions and supports competitive salaries, and **every \$1 billion** of nuclear market exports is estimated to create ten thousand domestic jobs.

With ANIA's key provisions that support the current nuclear fleet and advanced nuclear technology, this forward-looking legislation is an encouraging step towards greater US nuclear competitiveness. This legislation, having garnered support from both Democrats and Republicans, aligns with the incoming Biden-Harris Administration's **climate policy goals** to revitalize the domestic energy sector and ensure a 100 percent clean energy, net-zero emission economy by 2050.

*Amy C. Roma is a partner at Hogan Lovells and a founding member of the Atlantic Council's Nuclear Energy and National Security Coalition (NENSC).*



#### [Read more from EnergySource](#)

EnergySource provides analysis and insight on key energy issues, making sense of key energy trends and their implications for geopolitics, geoeconomics, policy, and markets.

[READ MORE](#)

#### Related content



## URANIUM PRODUCERS OF AMERICA

1925 ASPEN DRIVE, 200A, SANTA FE, NEW MEXICO 87505  
TELEPHONE (505) 690-7709; WWW.THEUPA.ORG

December 10, 2020

The Honorable John Barrasso  
Chairman  
Senate Environment and Public Works  
Committee  
410 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Tom Carper  
Ranking Member  
Senate Environment and Public Works  
Committee  
410 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

I write on behalf of the Uranium Producers of America (UPA) to express our support for S.4897, the American Nuclear Infrastructure Act (ANIA) of 2020. S.4897 will help revitalize domestic mining and conversion capabilities and reclaim the United States' global leadership in nuclear energy.

Domestic uranium production is a vital component of ensuring a stable domestic supply chain for nuclear fuel now and into the future, including the pursuit of advanced nuclear energy technologies. Nuclear energy is a vital source of carbon-free, baseload power for the electrical grid and is crucial to securing our nation's clean energy future. Domestic uranium is also critical for our national defense, powering the ships and submarines of the world's largest nuclear navy and ensuring a global nuclear deterrent.

The United States Nuclear Fuel Working Group's April 2020 report recognized the threat to the domestic uranium industry posed by unfair price manipulation from foreign, state-owned entities. For the first time since the nuclear age began, there will be no significant uranium production this year in the United States and employment will be at an all-time low. The United States is now almost entirely dependent on foreign uranium imports to meet commercial demand for nuclear fuel. A substantial and growing portion of imports are from countries not aligned with U.S. interests who utilize their energy exports for geopolitical advantage. The domestic uranium industry is on the verge of disappearing unless immediate support is provided.

Section 402 of ANIA includes language codifying the formation of a National Strategic Uranium Reserve. Grounded in the Secretary of Energy's existing authority under sections 53, 63, and 161(g) of the Atomic Energy Act of 1954 to procure uranium product, this program is critical to preserving domestic uranium mining and conversion capabilities. It will support the



The Honorable John Barrasso  
The Honorable Tom Carper  
December 10, 2020  
Page 2

creation of U.S. uranium jobs, strategic fuel cycle capabilities, and the availability of uranium in the event of a market disruption.

We maintain some concerns about provisions in the bill that would limit the inclusion of uranium from certain legally permitted and constructed mines. We look forward to continuing working with you and the other Committee members to improve and advance ANIA through the legislative process.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jon J. Indall", written over a light gray dotted background.

Jon J. Indall  
Counsel for UPA

**Schaefer, Leah (EPW)**

---

**From:** Kim Dean <kdean@bpccaction.org>  
**Sent:** Thursday, December 3, 2020 2:05 PM  
**To:** Williams, Bradley (EPW)  
**Subject:** BPC Action Applauds American Nuclear Infrastructure Act



### **BPC Action Applauds Bipartisan American Nuclear Infrastructure Act**

BPC Action applauds passage of the **American Nuclear Infrastructure Act, S. 4897**, out of the Senate EPW Committee. The bill, sponsored by **Sens. Barrasso (R-WY), Whitehouse (D-RI), Crapo (R-ID), Booker (D-NJ), and Capito (R-WV)**, would ensure U.S. nuclear energy remains a strong component of our energy portfolio and will help meet America's 21st-century energy and climate requirements.

The bill reestablishes U.S. nuclear energy international leadership with a clear focus on the Nuclear Regulatory Commission's regulatory processes, deployment of advanced nuclear reactors, and closing gaps in the advanced nuclear supply chain. This legislation will be essential to reinforce the key roles that traditional, advanced, and micronuclear reactors can play in a transition to a clean energy future and will help create additional economic opportunities. In order to regain international leadership, comprehensive and forward-thinking legislation like the American Nuclear Infrastructure Act is crucial.



1225 Eye Street NW, Suite 900  
 Washington, DC, 20005  
 (202) 204-2400

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

NEIL L. BRADLEY  
EXECUTIVE VICE PRESIDENT &  
CHIEF POLICY OFFICER

1615 H STREET, NW  
WASHINGTON, DC 20062  
(202) 463-5310

December 1, 2020

The Honorable John Barrasso  
Chairman  
Committee on Environment  
and Public Works  
United States Senate  
Washington, DC 20510

The Honorable Tom Carper  
Ranking Member  
Committee on Environment  
and Public Works  
United States Senate  
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

The U.S. Chamber of Commerce applauds your continued leadership on energy issues and strongly supports passage of S. 4897, the "American Nuclear Infrastructure Act." In particular, we commend the bipartisan leadership of Senators Barrasso, Sheldon Whitehouse, Mike Crapo, and Cory Booker and their collaborative efforts to develop and advance this important bill.

This legislation would ensure that nuclear energy continues to play a vital role as a reliable, clean and cost-effective solution to both climate- and energy-related challenges. Specifically, this bill would help to reestablish America's global leadership in nuclear energy, streamline the permitting process for advanced nuclear technologies, preserve the existing nuclear fleet, and revitalize the supply chain infrastructure necessary for a robust and competitive U.S. nuclear industry.

For these reasons, we recommend the Committee favorably report this bipartisan legislation.

Sincerely,



Neil L. Bradley

cc: Members of the Senate Environment and Public Works Committee



12/2/2020

Citizens for Responsible Energy Solutions on Twitter: "🇺🇸🇺🇸🇺🇸" / Twitter



← Tweet

**Citizens for Responsible Energy Solutions**  
@Citiz4Solutions

...

**EPW Republicans** @EPWGOP · 3h

Chairman @SenJohnBarrasso: "The American Nuclear Infrastructure Act will promote U.S. international leadership, preserve America's nuclear fuel supply chain, prevent more carbon emissions from entering our atmosphere, & protect our economic, energy, & national security."

[Show this thread](#)

11:39 AM · Dec 2, 2020 · Twitter Web App

1 Like



🔍 Search Twitter

**New to Twitter?**

Sign up now to get your own personalized timeline!

[Sign up](#)**Relevant people****Citizens for R...**  
@Citiz4Solutio...[Follow](#)

Engaging Republican policymakers and the public on responsible conservative solutions for energy, economic, and environmental security. #GOPenergy

**EPW Repu...** @EPWGOP[Follow](#)

Official account of the Senate Republicans on the U.S. Senate Committee on Environment & Public Works, Chaired by @SenJohnBarrasso

**Sen. John ...** @SenJohnBarr...[Follow](#)

U.S. Senator for the great state of Wyoming, @SenateGOP Chairman, and Chairman of @EPWGOP. [instagram.com/senjohnbarras](#) s...

**What's happening**

NBA · 25 minutes ago

**LeBron James signs two-year, \$85M contract extension with the Lakers, The Athletic reports**

Trending with [Bron](#)

United States politics · Trending

**Lavar**

...

Trending with [Bronny](#), [Gelo](#)

United States politics · Trending

**Lin Wood**

...

95.9K Tweets

Sports · Trending

**Clippers**

...

**Don't miss what's happening**

People on Twitter are the first to know.

[Log in](#)[Sign up](#)<https://twitter.com/Citiz4Solutions/status/1334175418803433474>

1/2

12/2/2020


CRES Welcomes Introduction of American Nuclear Infrastructure Act - Citizens for Responsible Energy Solutions



## CRES Welcomes Introduction of American Nuclear Infrastructure Act

NOVEMBER 18, 2020



**Washington, DC** – Today, Citizens for Responsible Energy Solutions (CRES), welcomed the introduction of the American Nuclear Infrastructure Act of 2020 (S. 4897 [Donate](#) [sl](#) ) to revitalize the United States' nuclear infrastructure, reduce carbon emissions and strengthen our

<https://citizensfor.com/pressreleases/cres-welcomes-introduction-of-american-nuclear-infrastructure-act/>

1/3

12/2/2020

CRES Welcomes Introduction of American Nuclear Infrastructure Act - Citizens for Responsible Energy Solutions



red the following

"Nuclear energy is an integral component of our nation's clean energy future. There is widespread consensus that we cannot meet a zero-emissions future without nuclear energy. I applaud Senate Environment and Public Works Committee Chairman John Barrasso (R-WY), Senator Mike Crapo (R-ID) and the bi-partisan team of senators for recognizing the value of nuclear energy and introducing legislation to enhance and grow this dependable, clean source of American power. The American Nuclear Infrastructure Act sends a clear message – the United States is committed to remaining the global leader in nuclear energy technology. Nuclear energy enhances national security, drives global competition and strengthens our economy. Investing in our nation's nuclear infrastructure is an investment in U.S. jobs, our environment and American-made energy."

###

Share this on:

[◀ CRES Applauds Congressional GOP Incumbent Wins, Welcomes New Lawmakers](#)

MAKE A CONTRIBUTION

 DONATE

Donate



12/2/2020

Clean Air Task Force on Twitter: "Our experts @Beazy\_Rampezy @lindsey\_baxter on the passage of @SenJohnBarrasso @SenWhiteh..."

← **Thread**

**Clean Air Task Force**  
@cleanaircatf

Our experts [@Beazy\\_Rampezy](#) [@lindsey\\_baxter](#) on the passage of [@SenJohnBarrasso](#) [@SenWhitehouse](#) [@SenBooker](#) [@MikeCrapo](#)'s American Nuclear Infrastructure Act through [@SenateEPW](#).

Clean Air Task Force statement on EPW Passage of the Americ...  
Clean Air Task Force supports today's passage of the American Nuclear Infrastructure Act of 2020 by the Senate Committee o...  
catf.us

2:36 PM · Dec 2, 2020 · Twitter Web App

2 Likes

**Clean Air Task Force** [@cleanaircatf](#) · 42m

Replying to [@cleanaircatf](#)  
It's a bipartisan effort that will revitalize our nuclear infrastructure and prevent carbon emissions. We have to support continued progress by the [#nuclear](#) industry to build trust with communities and participate in a [#netzero](#) carbon future. [#climatechange](#).

1

 2

**Clean Air Task Force** [@cleanaircatf](#) · 42m

"This legislation supports the clean energy attributes of existing [#nuclear](#) energy technology, promotes the deployment of new advanced reactors, provides funds for clean-up of hard rock mining on tribal lands...enabling a [#cleanenergy](#) economy." [@Beazy\\_Rampezy](#)

1

 1

**Clean Air Task Force** [@cleanaircatf](#) · 42m

"When it comes to climate change, we can work across the aisle to incentivize the development, deployment, and preservation of [#zerocarbon](#) power." [@lindsey\\_baxter](#) Now is the time for policy frameworks crediting zero-emissions generation and achieving environmental justice goals.

1
 1

Search Twitter

**New to Twitter?**

Sign up now to get your own personalized timeline!

Sign up

**Relevant people**

**Clean Air Tas...**  
[@cleanaircatf](#)

Follow

Reducing atmospheric pollution through research, advocacy, and private sector collaboration.

**Brett Rempel**  
[@Beazy\\_Ramp...](#)

Follow

Nuclear Manager for Clean Air Task Force. Nuclear Engineer and Professional Asshole. My views are my own and Retweets are not endorsements.

**Lindsey Baxt...**  
[@lindsey\\_baxter](#)

Follow

Federal policy [@cleanaircatf](#) for affordable path to zero-emissions, high-energy planet. Board leadership [@andrusfamfund](#) & Andrus-on-Hudson. Views my own.

**What's happening**

Music · LIVE

**Happy birthday, Britney Spears**

Trending with [Britney](#), [#SwimmingInTheStars](#)

25K people are Tweeting about this

---

United States politics · Trending

**Lin Wood**

94.1K Tweets

---

Gaming · Trending

**PSS PRO**

1,884 Tweets

---

Trending in United States

**Namjoon and Yoongi**

14.6K Tweets

**Don't miss what's happening**

People on Twitter are the first to know.

Log in [Sign up](#)

https://twitter.com/cleanaircatf/status/1334219929902526465

1/2



## POLICY

# Clean Air Task Force statement on EPW Passage of the American Nuclear Infrastructure Act of 2020

- [BRETT RAMPAL](#)
- [LINDSEY BAXTER GRIFFITH](#)

December 2, 2020

Clean Air Task Force supports today's passage of the American Nuclear Infrastructure Act of 2020 by the Senate Committee on Environment and Public Works. Introduced in November by Chairman John Barrasso (R-WY) and Sens. Sheldon Whitehouse (D-RI), Mike Crapo (R-ID), and Cory Booker (D-NJ), this bipartisan legislation will revitalize the United States' nuclear infrastructure by preventing more carbon emissions from entering our atmosphere.

This bill will establish at the Environmental Protection Agency new programs for a reverse auction incentive program for existing nuclear power and a new fund for the clean-up of abandoned mines on tribal lands. Importantly, this bill will also require reporting from the Nuclear Regulatory Commission on unique licensing considerations for non-electric applications for nuclear power, promotion of advanced nuclear construction methods and opportunities, and annual reporting on spent fuel and waste. These provisions will support continued progress in the nuclear industry to build trust with communities and participate in a net-zero carbon future.

"The American Nuclear Infrastructure Act of 2020 will support the role of nuclear energy technologies in current and future decarbonization efforts. This legislation supports the clean energy attributes of existing nuclear energy technology, promotes the deployment of new advanced reactors, provides funds for clean-up of hard rock mining on tribal lands, and much more – all important

to enabling nuclear technologies' participation in a clean energy economy," said Brett Rampal, Nuclear Team Manager at Clean Air Task Force.

Lindsey Griffith, Federal Policy Director offered the following comment:  
 "When it comes to climate change, we can all work across the aisle to incentivize the development, deployment, and preservation of zero-carbon power sources. Today's passage of the American Nuclear Infrastructure Act of 2020 through the Environment and Public Works Committee shows bipartisan leadership on climate action from the Senate – we applaud the work of all Members and staff on the continued advancement of these important technologies and on the development of new policy frameworks at the Environmental Protection Agency for crediting zero-emissions generation and getting closer to achieving our environmental justice goals."

**Tweet**

**Exelon Generation**   
@ExelonGen



Congratulations to  
[@SenJohnBarrasso](#) [@SenWhitehouse](#)  
[@MikeCrapo](#) [@CoryBooker](#) on  
approval of the American Nuclear  
Infrastructure Act, a bipartisan bill to  
recognize the clean air value of  
America's existing nuclear fleet. TY  
also to [@SenatorCardin](#) &  
[@ChrisVanHollen](#) for their support!

3:03 PM · 12/2/20 · [Khoros](#)



**Exelon Corporation** ✓  
@Exelon



We applaud this effort to protect America's largest source of [#CleanEnergy](#). Preserving our existing nuclear fleet is essential to fight [#ClimateChange](#) and build a cleaner future.



**Exelon Generation** ✓ @ExelonGen · 1h

Congratulations to @SenJohnBarrasso @SenWhitehouse @MikeCrapo @CoryBooker on approval of the American Nuclear Infrastructure Act, a bipartisan bill to recognize the clean air value of America's existing nuclear fleet. TY al...

3:08 PM · 12/2/20 · [Khoros](#)



**INTERNATIONAL  
BROTHERHOOD  
OF ELECTRICAL  
WORKERS**

900 Seventh Street, NW  
Washington, DC 20001  
202.833.7000  
www.ibew.org

LONNIE R. STEPHENSON  
International President

KENNETH W. COOPER  
International  
Secretary-Treasurer

December 1, 2020

VIA EMAIL

The Honorable John Barrasso  
Chairman  
Committee on Environment and Public  
Works  
United States Senate  
410 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Sheldon Whitehouse  
United States Senate  
530 Hart Senate Office Building  
Washington, DC 20510

The Honorable Mike Crapo  
United States Senate  
239 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Cory Booker  
United States Senate  
717 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Barrasso, Senator Whitehouse, Senator Crapo and Senator Booker:

On behalf of the over 775,000 active and retired members of the International Brotherhood of Electrical Workers (IBEW), I am writing in support of the American Nuclear Infrastructure Act of 2020 (S. 4897). This bipartisan legislation would reestablish U.S. nuclear energy leadership by preserving the existing fleet, revitalizing the domestic nuclear energy supply chain infrastructure, and supporting the deployment of advanced U.S. nuclear technologies.

Nuclear power produces nearly 20 percent of our nation's electricity and most of our carbon-free electricity. In 2019 alone, U.S. reactors produced more than 800 billion kilowatt hours of electricity and prevented the emission of 505.8 million metric tons of carbon. Without nuclear power plants operating in 28 states, carbon emissions from the U.S. electric sector would be 30 percent higher.

Given today's energy mix and clean energy goals, the U.S. and the world alike will need nuclear energy alongside other clean energy sources. Nuclear energy facilities demonstrate unmatched reliability by operating with an average capacity factor of more than 90 percent. Firm, carbon-free nuclear power will complement other carbon-free technologies and be essential in meeting carbon reduction goals.

Fourteen thousand members of the IBEW are employed full-time in the nuclear industry at over 55 facilities across the United States. Thousands more IBEW members rotate through nuclear plants with the contractor workforce as needed for maintenance and refueling.

Most nuclear plants are the economic core of rural communities. Each plant employs between 400 and 700 Americans with high quality, long term, steady work at wages that are an average of 36 percent higher than the prevailing local





**INTERNATIONAL  
BROTHERHOOD  
OF ELECTRICAL  
WORKERS®**

Chairman John Barrasso, The Honorable Sheldon Whitehouse, The Honorable  
Mike Crapo and The Honorable Cory Booker  
December 1, 2020  
Page 2

salary rate. On average, each plant contributes \$40 million in annual payroll and \$470 million in revenue from buying local goods and services. They also provide much-needed funding for local community services like schools, roads, and law enforcement.

It is increasingly clear that the transition to a low carbon economy will be more affordable, sustainable and uphold the promise of family-sustaining jobs if existing nuclear plants are preserved and the development of advanced nuclear energy systems is accelerated. Nuclear energy continues to be the only source of zero carbon generation that can reliably produce mass amounts of clean energy 24 hours a day, 365 days a year. However, if nuclear power's carbon-free, baseload generation attributes are not appropriately valued, plants will continue to retire prematurely, making it more difficult and more expensive to meet clean energy goals. More than 8,000 megawatts of nuclear capacity has retired in recent years and additional nuclear facilities, which generate another 8,000 megawatts, have announced plans to shut down prematurely in the near future. These closures have meant the loss of thousands of jobs for IBEW members. Additional premature closures will make job losses even more severe.

The American Nuclear Infrastructure Act would help address the current market failure to value carbon-free generation by establishing a credit program for reactors at risk of closing prematurely. This program would help to bridge the gap until clean generation is appropriately valued and is vitally important to making the transition to a low carbon electricity more affordable and sustainable. This legislation further supports the development of advanced nuclear technologies and seeks to ensure a robust domestic nuclear supply chain infrastructure that hold the promise of creating good jobs while reasserting American leadership in the nuclear sector.

On behalf of the IBEW and its members, I wish to thank you for introducing this legislation. Passage of the American Nuclear Infrastructure Act will provide environmental and economic benefits by retaining our nation's largest source of carbon-free electricity and supporting the development and deployment of advanced nuclear reactor technologies.

Sincerely yours,

Lonnie R. Stephenson  
International President

LRS:nl

December 11, 2020



**M** FASTEST PATH TO ZERO  
UNIVERSITY OF MICHIGAN



The Honorable John Barrasso  
Chairman  
Environment and Public Works  
Committee  
Washington, D.C. 20510

The Honorable Tom Carper  
Ranking Member  
Environment and Public Works  
Committee  
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

We write to express our support for the S.4897, the American Nuclear Infrastructure Act of 2020 (ANIA), and to thank the Committee for reporting it out. The United States and the world face major environmental and economic challenges. Nuclear energy can help address these challenges. ANIA can enhance nuclear energy's capabilities to do so by keeping existing nuclear reactors online, encouraging domestic innovation, and providing a foundation for next-generation nuclear reactors domestically and abroad.

The existing nuclear fleet provides more than 20 percent of U.S. electricity and more than half of U.S. carbon-free clean energy generation. ANIA is vital to maintaining the existing nuclear fleet, which faces the threat of continuing retirements in the next several years. Keeping reactors online preserves jobs, avoids carbon emissions, and prevents air pollution, saving lives.

ANIA also supports commercialization of the next generation of nuclear reactors that can play a major role in addressing climate change. Its licensing prize will incentivize advance reactor vendors to quickly bring their innovations to market while reducing the regulatory costs of next-generation clean energy. Advanced reactors can provide energy for more than just electricity, and the bill requires the Nuclear Regulatory Commission (NRC) to report on licensing issues for these nonelectric applications, opening pathways for deep decarbonization of many sectors.

This bill, building off this committee's previous bipartisan support for nuclear energy, would help the United States maintain its position as a global leader in nuclear power production and exports, supporting well-paying jobs across the country. By empowering the NRC to lead on international regulatory cooperation, the bill will assist global nuclear regulators and improve global safety culture. ANIA also opens U.S. markets for foreign investment by U.S. allies through reforming outdated Cold War-era restrictions on financing of American nuclear companies and projects. Finally, all of these initiatives will help preserve our country's seat at the table in establishing and maintaining robust nuclear nonproliferation safeguards.

December 11, 2020

We appreciate the work of the Committee and urge the full Senate to take up ANIA expeditiously.

Sincerely,

Clean Air Task Force  
Center for Climate and Energy Solutions  
Fastest Path to Zero  
Good Energy Collective  
International Brotherhood of Electrical Workers  
Niskanen Center  
Nuclear Engineering Department Heads Organization  
Nuclear Innovation Alliance  
Third Way  
United Steelworkers  
Utility Workers Union of America



**MARIA KORSNICK**  
*President and Chief Executive Officer*  
 1201 F Street, NW, Suite 1100  
 Washington, DC 20004  
 P: 202.739.8187  
 mgk@nei.org  
 nei.org



November 20, 2020

The Honorable John Barrasso  
 Chairman  
 Committee on Environment and Public Works  
 U.S. Senate  
 410 Dirksen Senate Building  
 Washington, D.C. 20510

The Honorable Michael Crapo  
 U.S. Senate  
 239 Dirksen Senate Building  
 Washington, D.C. 20510

The Honorable Sheldon Whitehouse  
 Committee on Environment and Public Works  
 U.S. Senate  
 410 Dirksen Senate Building  
 Washington, D.C. 20510

The Honorable Cory Booker  
 Committee on Environment and Public Works  
 U.S. Senate  
 410 Dirksen Senate Building  
 Washington, D.C. 20510

Dear Chairman Barrasso and Senators Whitehouse, Booker, and Crapo:

On behalf of the Nuclear Energy Institute, I am writing in support of the American Nuclear Infrastructure Act of 2020 (S. 4897) introduced on November 17, 2020. NEI and its members appreciate Congress acting to reestablish U.S. nuclear energy leadership by preserving the existing fleet, revitalizing the domestic nuclear energy supply chain infrastructure, and supporting the deployment of advanced U.S. nuclear technologies both domestically and abroad.

Nuclear power produces nearly 20 percent of our nation's electricity and most of our carbon-free electricity. In 2019 alone, U.S. reactors produced more than 800 billion kilowatt hours of electricity and prevented the emission of 505.8 million metric tons of carbon—equivalent to taking nearly 110 million cars off the road. Without nuclear power plants operating in 28 states, carbon emissions from the U.S. electric sector would be 30 percent higher.

Given today's energy mix and clean energy goals, the U.S. and the world alike will need nuclear energy alongside other clean energy sources. Nuclear energy facilities demonstrate unmatched reliability by operating with an average capacity factor of more than 90 percent. Firm, carbon-free nuclear power will complement other carbon-free technologies and be essential in meeting carbon reduction goals.

NUCLEAR. CLEAN AIR ENERGY

Committee on Environment and Public Works  
U. S. Senate  
November 20, 2020  
Page 2

Policymakers are increasingly recognizing that the transition to a carbon-free electricity system will be more affordable and sustainable if existing nuclear plants are preserved and the development of advanced nuclear energy systems is accelerated. In response, dozens of U.S. companies are working to develop and deploy advanced nuclear technologies to meet the expected global demand. Our innovators are in a race with other countries to develop, commercialize and deploy these technologies. The U.S. nuclear industry is competing globally with state-owned enterprises that are often heavily subsidized by their governments. By supporting the existing fleet, the development of advanced nuclear technologies, and the domestic fuel cycle infrastructure, S. 4897 will strengthen the domestic nuclear industry and send a strong message that the U.S. is committed to remain a leader in nuclear energy technology.

But if nuclear generation's carbon-free attribute is not appropriately valued, plants will continue to retire prematurely, making it more difficult and more expensive to meet clean energy goals. More than 8,000 megawatts of nuclear capacity has retired in recent years and another 8,000 megawatts has announced plans to shut down prematurely, with additional facilities at risk. The eight nuclear reactors slated for premature closure generated more zero-carbon electricity than all utility solar generated in the U.S. in 2019. Your bill would help address the current failure of markets to value carbon-free generation by establishing a credit program for reactors at risk of closing prematurely. This program would help to bridge the gap until zero-carbon electricity is appropriately valued and is vitally important to making the transition to a lower carbon electricity system more affordable and sustainable.

NEI also strongly believes there must be a Congressional mandate to accelerate the licensing and commercialization of advanced reactor technologies. Developers of advanced technologies do not have infinite resources or unlimited time to bring their products to market. Therefore, the NRC must carry out its licensing responsibilities more efficiently and without imposing excessive, unjustified costs. S. 4897 helps that by directing the agency to identify opportunities to improve and update environmental reviews for advanced reactors, and assess the benefits of revising the environmental review process.

In addition to addressing regulatory transformation, S. 4897 spurs innovation in the private sector by establishing prizes to incentivize the successful deployment of next generation nuclear reactor technologies. To thrive, the existing fleet and future advanced reactors must also have a robust domestic nuclear supply chain infrastructure and the bill properly focuses on the revitalization of this infrastructure, including the establishment of a uranium reserve.

In closing, on behalf of NEI and its members, I thank you for introducing this bill. Passage of S. 4897 will provide environmental and economic benefits to all Americans by helping to retain the generation source responsible for most of the nation's carbon-free electricity, and setting the stage for development and deployment of advanced nuclear reactor technologies.

Yours very sincerely,



Maria Korsnick



RICH NOLAN  
President & CEO

December 10, 2020

The Honorable John Barrasso, MD  
Chairman  
Senate Committee on  
Environment and Public Works  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Barrasso:

On behalf of the National Mining Association (NMA), I would like to express our support for the bipartisan American Nuclear Infrastructure Act (ANIA). This legislation will help to preserve our nation's existing nuclear energy capabilities and support uranium mining and conversion industries, all while providing needed funding for environmental cleanup programs.

You correctly stated during the legislative hearing for the ANIA discussion draft that the U.S. must maintain its historic position as the global nuclear energy leader. This bill is a step in the right direction and will strengthen U.S. energy security and preserve critical uranium mining jobs around the country.

Never before has the U.S. uranium industry faced such a dire situation as a result of unfair price manipulation from foreign, state-owned entities. Not only does this pose an inherent threat to our national and economic security, but it also puts at risk the critical core capabilities of the entire uranium mining and conversion industries who have already suspended operations and are experiencing historically low employment and production.

The ANIA works to address these issues by providing the Nuclear Regulatory Commission (NRC) with the authority to deny imports of Russian and Chinese nuclear fuel. It also improves the permitting process for advanced nuclear technologies and works to reduce regulatory barriers standing in the way. Further, the legislation authorizes the National Strategic Uranium Reserve, which was funded in the recent Senate appropriations package. While this authorization comes with limitations on uranium mining in certain areas of high mineral potential, it is our hope that valid existing rights will be properly safeguarded under this legislation.

As you work to maintain the U.S. as a global nuclear energy leader, the NMA and its members stand ready to work with you to support thousands of U.S. jobs and strengthen our nation's economic and national security.

Sincerely,



Rich Nolan



Jobs ▼

PSEG

Washington, DC



PSEG

51,342 followers  
20h

Thank you, Senators Booker and Barrasso, for your bipartisan efforts on S. 4897, the "American Nuclear Infrastructure Act of 2020." [#nuclearenergy](#) [#climatechange](#) [#cleanenergy](#) [#PSEGPoweringProgress](#)

**"Preserving existing nuclear generation is critical to decarbonizing the electric sector and the economy as a whole. Nuclear energy supplies more than 90% of New Jersey's carbon-free electricity and contributes \$1.2B to the state's GDP. Senator Booker has been a leader in Washington on the critical role of nuclear energy in achieving our climate goals and ensuring the resilience of our electric supply. Many of the nation's nuclear plants are facing real financial distress, including those in New Jersey.**

**"We applaud the bipartisan effort from Senators Booker and Barrasso, recognizing that safe, productive nuclear plants must be economically preserved. As we aim to tackle climate change and move toward a carbon-free economy, we look forward to continuing to engage with them on this important topic."**

**– Ralph Izzo, PSEG Chairman, President and CEO**



33 · 1 Comment

← **Tweet**



**PSEG**

@PSEGNews

...

Thank you, Senator [@corybooker](#) and [@SenJohnBarrasso](#), for your bipartisan efforts on S. 4897, the "American Nuclear Infrastructure Act of 2020." [#nuclearenergy](#) [#climatechange](#) [#cleanenergy](#) [#energytwitter](#) [#PSEGPoweringProgress](#)

**"Preserving existing nuclear generation is critical to decarbonizing the electric sector and the economy as a whole. Nuclear energy supplies more than 90% of New Jersey's carbon-free electricity and contributes \$1.2B to the state's GDP. Senator Booker has been a leader in Washington on the critical role of nuclear energy in achieving our climate goals and ensuring the resilience of our electric supply. Many of the nation's nuclear plants are facing real financial distress, including those in New Jersey.**

**"We applaud the bipartisan effort from Senators Booker and Barrasso, recognizing that safe, productive nuclear plants must be economically preserved. As we aim to tackle climate change and move toward a carbon-free economy, we look forward to continuing to engage with them on this important topic."**

**– Ralph Izzo, PSEG Chairman, President and CEO**



2:55 PM · Dec 8, 2020 · Sprinklr

1 Retweet 2 Likes



**Schaefer, Leah (EPW)**

---

**From:** Zach, Andrew (EPW)  
**Sent:** Thursday, December 3, 2020 8:35 AM  
**To:** Schaefer, Leah (EPW); Williams, Bradley (EPW)  
**Subject:** Fwd: TerraPower Quote of Support - S. 4897, the American Nuclear Infrastructure Act of 2020

Begin forwarded message:

**From:** Randi Reid <randi@kdcrcpartners.com>  
**Date:** December 3, 2020 at 8:29:32 AM EST  
**To:** "Zach, Andrew (EPW)" <Andrew\_Zach@epw.senate.gov>  
**Subject:** FW: TerraPower Quote of Support - S. 4897, the American Nuclear Infrastructure Act of 2020

Andy – Apologize for the tardiness in getting this to you – was working through the company approval process! Jeff Navin with TerraPower and I would like to find some time in the next week or so to talk with you about the bill. TerraPower wants to further discuss the provision that gives the NRC the power to deny Russian and Chinese fuels for the purposes of national security. Do you have some time next week to talk? I would be most grateful. Please let me know and many thanks – best – Randi

*Randi Reid*  
*Kountoupes Denham Carr & Reid*  
*202-281-9954*  
*randi@kdcrcpartners.com*

---

**From:** Randi Reid  
**Sent:** Thursday, December 03, 2020 8:24 AM  
**To:** Zach, Andrew (EPW) <Andrew\_Zach@epw.senate.gov>; Russell, Richard (EPW) <Richard\_Russell@epw.senate.gov>; brian\_clifford@epw.senate.gov; Kunsman, Dan (Barrasso) <Dan\_Kunsman@Barrasso.senate.gov>; Farr, Kate (Barrasso) <Kate\_Farr@Barrasso.senate.gov>  
**Cc:** Jeff Navin <navin@boundarystone.com>  
**Subject:** TerraPower Quote of Support - S. 4897, the American Nuclear Infrastructure Act of 2020

Andy, Richard, Brian, Dan, and Kate – On behalf of TerraPower, I am reaching out to share our congratulations on passing S. 4897, the American Nuclear Infrastructure Act of 2020 out of the Committee yesterday. TerraPower wants to share the below quote with you and your team about Chairman Barrasso's bill. We look forward to working with you on this initiative as it moves through the process. Best – Randi

*"We appreciate the work of Senators Barrasso, Whitehouse, Crapo, and Booker in introducing the American Nuclear Infrastructure Act, which will accelerate the dedeployment of American advanced nuclear technology to meet the demand for clean, reliable energy in the United States and around the world. TerraPower is committed to demonstrating advanced nuclear technology in the United States by the end of the decade, and the American Nuclear Infrastructure Act will help us achieve that goal."*

*Randi Reid*  
*Kountoupes Denham Carr & Reid*  
202-281-9954  
[randi@kdcpartners.com](mailto:randi@kdcpartners.com)



[←](#) **Thread**

**Third Way Climate & Energy**  
@ThirdWayEnergy

...

Today [@SenWhitehouse](#) & [@SenJohnBarrasso](#) announced the introduction of the American Nuclear Infrastructure Act to preserve & expand [#nuclear](#) energy generation as part of the climate solution. 1/



Third Way Applauds Introduction of the American Nuclear Infrastructure Act – Th...  
Third Way is a centrist think tank that offers fresh thinking and modern solutions to the most challenging problems in U.S. public policy, including the economy, ...  
[thirdway.org](#)

10:55 AM · Nov 17, 2020 · Twitter Web App

8 Retweets 4 Quote Tweets 17 Likes

**Third Way Climate & Energy** @ThirdWayEnergy · Nov 17

...

Replying to @ThirdWayEnergy

#ANIA lays out several steps to help keep our existing carbon-free nuclear plants running & support the development & deployment of US advanced reactors & their supply chain. 2/  
[epw.senate.gov/public/\\_cache/...](https://epw.senate.gov/public/_cache/...)

1

**Third Way Climate & Energy** @ThirdWayEnergy · Nov 17

...

To keep our biggest source of carbon-free power running, #ANIA creates a time-limited & need-based program to help struggling nuclear plants that are in competitive markets & are projected to cease operations prematurely. 3/

1



3

**Third Way Climate & Energy** @ThirdWayEnergy · Nov 17

...

To help get American advanced nuclear technologies into the market, #ANIA provides prizes to the first advanced reactor of any type to reach operation; the first to utilize previously used nuclear fuel; & the first to generate heat for industrial purposes. 4/

1



1







**Third Way Climate & Energy** @ThirdWayEnergy · Nov 17

...

Finally, over the next 5 years, 1,200 NRC staff will become eligible for retirement. To make sure NRC can support the safe operation of US reactors, #ANIA will award competitive traineeships to meet their needs. end/



NRC: An Undercover Climate Agency – Third Way

Third Way is a centrist think tank that offers fresh thinking and modern solutions to the most challenging problems in U.S. public policy, ...

[thirdway.org](https://thirdway.org)



12/2/2020

Third Way Applauds Introduction of the American Nuclear Infrastructure Act – Third Way



**PRESS RELEASE** Published November 17, 2020 ·

## Third Way Applauds Introduction of the American Nuclear Infrastructure Act



### Josh Freed

Senior Vice President for the Climate and Energy Program

[@ThirdWayEnergy](#)

WASHINGTON – “The [American Nuclear Infrastructure Act](#), authored by Senators Sheldon Whitehouse (D-RI) and John Barrasso (R-WY), is an example of how Congress *should* be working to address clean energy, climate change, and the future of nuclear energy generation,” said Josh Freed, Senior Vice President of Third Way’s Climate and Energy Program. “This bill would do three important things: save existing nuclear plants from closing prematurely; ease the path for the next generation of advanced reactors to get built in the United States, *not* in China; and increase international cooperation to provide assistance for countries that want to develop nuclear power safely and ensure we have smart regulations.

“There is increasing consensus among scientists and climate advocates that nuclear power is a crucial, carbon-free tool for the United States and the world to get on the fastest path to net-zero emissions. Senator Whitehouse, long a Democratic champion on climate issues, is the right leader to push for the type of all-in mobilization that the climate crisis requires.”

## General

202-384-1700 (main)

202-775-0430 (fax)

[contact@thirdway.org](mailto:contact@thirdway.org)

## Press Contact

**Ladan Ahmadi**

*Deputy Director of Media Relations*

202-384-1718

[lahmadi@thirdway.org](mailto:lahmadi@thirdway.org)

12/2/2020

Global Energy Inst on Twitter: "We applaud this bipartisan effort to bolster critical #nuclear infrastructure. Nuclear #energy will continue to..."



← Tweet

#

Global Energy Inst  
@globalenergy

We applaud this bipartisan effort to bolster critical #nuclear infrastructure. Nuclear #energy will continue to play a vital role as a reliable, clean, and cost-effective solution to climate challenges. #NuclearEnergy



EPW Republicans @EPWGOP · Nov 17

Chairman @SenJohnBarrasso along with @SenWhitehouse, @MikeCrapo & @SenBooker introduced bipartisan legislation to revitalize America's nuclear infrastructure. [bit.ly/3nyd3lk](https://bit.ly/3nyd3lk)

[Show this thread](#)

11:45 AM · Nov 17, 2020 · Twitter Web App



Search Twitter

## New to Twitter?

Sign up now to get your own personalized timeline!

[Sign up](#)

## Relevant people



Global Ene...  
@globalenergy  
U.S. Chamber of Commerce's  
Global Energy Institute

[Follow](#)

EPW Repu...  
@EPWGOP  
Official account of the Senate  
Republicans on the U.S.  
Senate Committee on  
Environment & Public Works,  
Chaired by  
@SenJohnBarrasso

[Follow](#)

Sen. John ...  
@SenJohnBarr...  
U.S. Senator for the great  
state of Wyoming,  
@SenateGOP Chairman, and  
Chairman of @EPWGOP.  
[instagram.com/senjohnbarras](https://www.instagram.com/senjohnbarras)  
s...

[Follow](#)

## What's happening

NBA · 29 minutes ago

**LeBron James signs two-year, \$85M contract extension with the Lakers, The Athletic reports**

Trending with [Bron](#)

United States politics · Trending

**Lin Wood**

99.1K Tweets

United States politics · Trending

**Lavar**

26K Tweets

Soccer · Trending

**Braithwaite**

6,375 Tweets

US elections · December 1, ...

**Virginia: Election news**

Don't miss what's happening

People on Twitter are the first to know.

[Log in](#)[Sign up](#)<https://twitter.com/globalenergy/status/1328741092053880832>

1/2

**UNITED STATES NUCLEAR  
INDUSTRY COUNCIL**

[www.usnic.org](http://www.usnic.org)



December 2, 2020

By Email

The Honorable John Barrasso  
Chairman  
Senate Committee on Environment & Public  
Works  
United States Senate  
Washington DC 20510

The Honorable Thomas Carper  
Ranking Member  
Senate Committee on Environment & Public  
Works  
United States Senate  
Washington DC 20510

Dear Senators Barrasso and Carper:

Your introduction of the "American Nuclear Infrastructure Act of 2020" is a solid step in the right direction. Nuclear energy has long provided a clean, reliable, and safe source for the generation of electricity. Unfortunately, this beneficial power source has fallen prey to cost overruns, regulatory overburden, and associated delay that make it quite difficult to ensure continued investment and construction of nuclear powered generation facilities. Fortunately, this is on the way to changing.

Much of this change is being brought to bear by technological advances that are yielding major benefits. In electricity generation, the development of passively safe fuel, and advanced reactor design help bring into reality small modular and micro nuclear reactors. These developments alone are changing the entire profile of electricity production. Advances in nuclear medicine, are saving more and more lives. Even the space program is benefiting from advanced nuclear developments as nuclear fuels bring the reality of manned space travel far beyond the Moon closer to reality. These nuclear technological advances are coming to fruition in large part through focused cooperation between the government and private entities, and will significantly enhance the benefit of nuclear energy for people around the world.

Micro reactors, for instance, will be able to bring clean energy to areas of the world heretofore relegated to literal dark ages. Small modular reactors producing 300 megawatts each, will introduce new flexibility and cost savings into the world. Moreover, advanced fuel and reactor design will allow numerous side advantages from the energy produced. For instance, hydrogen production, which currently has greenhouse gas byproducts, can be produced carbon free in these new reactors, while at the same time producing electricity. Direct heat, produced through clean nuclear power can be used to heat cities. The benefits go on and on. Indeed, I dare say that the benefits from advanced nuclear technology can provide advances to the world that we can of yet only imagine.

Your legislation will go a long way toward focusing resources on promising areas, and in helping identify and clear some of the underbrush that hinders rational paths to maximizing the potential benefits these scientific advances present. Without the kind of bi-partisan, indeed non-partisan, recognition of the panoply of medical, environmental, humanitarian, and strategic benefits inherent in a peaceful nuclear future, and without the kind of continued legislative support we



**The Honorable John Barrasso & Thomas Carper**  
**December 2, 2020**  
**Page 2**

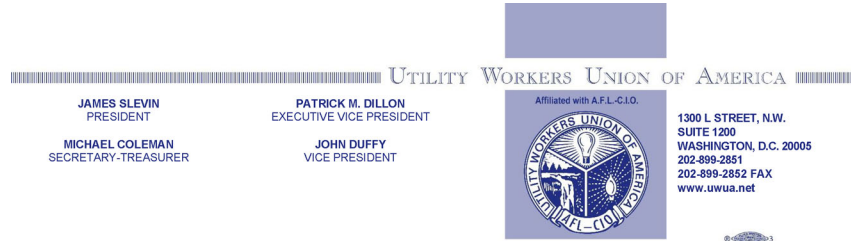
currently enjoy, we will all miss opportunities to improve the state of both the United States and our world.

We at the United States Nuclear Industry Council applaud and support your efforts. Moreover, we appreciate that there are issues where we can work together harmoniously for a better future. We stand ready to help you in this effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Bud Albright", with a stylized flourish at the end.

Bud Albright  
President & CEO  
U.S. Nuclear Industry Council &  
U.S. Under Secretary of Energy (2006-2008)



December 1, 2020

Senator John Barrasso, Chairman  
Senate Environment and Public Works Committee  
410 Dirksen Senate Office Building  
Washington, DC 20510

Senator Tom Carper, Ranking Member  
Senate Environment and Public Works Committee  
456 Dirksen Senate Office Building  
Washington, DC 20510

*In Re: American Nuclear Infrastructure Act of 2020, S. 4897*

Chairman Barrasso and Ranking Member Carper:

We write today to offer our support for the *American Nuclear Infrastructure Act of 2020*, S. 4897 and to urge the Senate Environment and Public Works Committee to vote the bill out of committee for full Senate consideration. The Utility Workers Union of America (UWUA), with around 50,000 workers in the electric, gas and water utility sectors has represented workers in the nuclear industry for many decades.

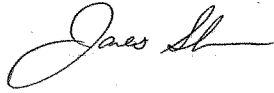
Unfortunately, the closure of several of these facilities employing our members over the years is one of the driving factors in our decision to support S. 4897. Our members know from first-hand experience that when nuclear powerplants close, some of the highest quality industrial jobs in the economy are permanently lost. Given the specialized nature of many of the crafts within these facilities, and the finite number of other nuclear plants in the U.S., it can be difficult for many of these workers to find new employment elsewhere in the sector.

That these closures would be happening just when our nation and, indeed, the world is in critical need of zero carbon power generation at scale is a tragic irony. According to the Intergovernmental Panel on Climate Change, we cannot meet our emissions reduction goals without nuclear power. The closure of a nuclear powerplant is, thus, a double loss, both for workers and the economy, but also for the environment. It is imperative that this erosion of the existing nuclear fleet be halted and, further, that the next generation of nuclear technology be brought online, at scale, over the coming years and decades.

We believe that S. 4897 can help to accomplish both of these goals, and we commend the Committee for taking bipartisan action to advance this important initiative. Looking ahead to the changes in energy technology coming to power generation, we are optimistic that entirely new industries can be built, and that entirely new skill sets can be trained for by the workforces of the future.

We thank each of you for your leadership on this important issue and thank the members of the Committee for their work in seeking to advance this important bill.

Sincerely,

A handwritten signature in black ink, appearing to read "James T. Slevin". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James T. Slevin  
National President  
Utility Workers Union of America, AFL-CIO

Senator BARRASSO. I would like to now turn to Senator Whitehouse.

Senator WHITEHOUSE. Thank you, Chairman. Let me first say that this is the third, now, nuclear bill that this Committee has approved in bipartisan fashion, the first being the Nuclear Energy and Innovation Capabilities Act, the collaboration bill, as I call it, and the second, the Nuclear Innovation and Modernization Act, which was the regulatory upgrade bill, and now this one, which has the support of environmental groups, of labor groups, of advanced nuclear companies, and of industry groups.

I particularly want to thank Chairman Barrasso and Ranking Member Carper for their productive work to bring us to this place.

I want to thank the cosponsors, many of whom brought significant improvements to the bill, including the improvements adopted by vote today.

To those members who are not yet comfortable with the bill, I look forward to continuing to work with you to try to resolve your concerns and advance the bill so that it can pass smoothly on the floor. The three pieces of the bill that I want to focus on in my remarks are ones that I have been talking about for a long time, and I am really grateful that they are included.

The first is that this creates a mechanism to put a value on the carbon-free nature of nuclear energy. We have seen the really unfortunate situation of safely operating nuclear plants being closed down for false economic reasons to allow natural gas plants to stand up, polluting natural gas plants, to stand up in their place. The discrepancy is that the nuclear plants don't get any value, any benefit, out of the carbon-free nature of their power. This will start us addressing that.

Second, as we address the next generation of nuclear power, we need to make sure that it is focused as much as can be on the existing nuclear waste liability of the country as a fuel prospect. If we can turn that liability into an asset, that would be a remarkable achievement. But it is not going to happen without encouragement because the cheaper way to go is always going to be to use something new. So I appreciate very much the X Prize program toward reusing spent nuclear fuel in next generation technologies.

Last, if we were a big corporation, our auditors would come in every year and would take a look at our nuclear waste stockpile, and they would put a mark on the company's books, saying this is a liability. Let's say it is a billion-dollar liability. That would give us, as a company, a \$999 million incentive to get that liability off our books, and we would be devoted to trying to clean up that nuclear waste stockpile problem.

That is not the way the United States works. It is not on our books. So the report that this requires of what the liability cost is of that, we call it a stockpile, but a stockpile is usually a good thing.

This is not a stockpile of good things. This is a huge environmental hazard and security hazard. The cost of disposing of that hazard will now actually be quantified, so at least we can discuss and provide value to the technologies that will help strip that away.

So with appreciation to all of my colleagues, including those who are not yet satisfied with the bill, I conclude my remarks, and I will regret losing John Barrasso as Chairman here. I look forward to working with the next Chairman.

I am not a member of Energy and Natural Resources, so there is a farewell here as well. I know you are not leaving the Committee; you are just leaving the Chair, and I hope we can find other good things to do together.

So thank you very much, Chairman Barrasso, farewell.

Senator Carper, thank you for your terrific leadership of this Committee as our Ranking Member in this Congress.

Senator BARRASSO. Well, thank you so much, Senator Whitehouse. We have actually traveled the world together looking at the issues related to climate change and the impact. I know that the work that we are doing here in the Committee is going to have a valuable role into the future of our world.

Senator Booker.

Senator BOOKER. Mr. Chairman, I am grateful, and I want to thank you for your service as leader and for doing such good work in helping us to find, despite the differences between so many of the members, common ground that we can work on together and to actually make a significant difference in our country.

Of course, I want to thank Ranking Member Carper, who, even though he is 3 or 4 years older than me, always makes me feel like I am out of shape. He has been an extraordinary leader as well.

Senator BARRASSO. Just as a point of personal interest, so when he talked about that first founding, 50 years ago, the first Earth Day was 50 years ago, he was in the military, do you want to talk about what you might have been doing on that very first Earth Day, and how you celebrated?

[Laughter.]

Senator BOOKER. I am going to show some wisdom here and move on.

[Laughter.]

Senator BOOKER. I want to thank Senator Whitehouse for his extraordinary partnership on this issue, in general, as well as Senator Crapo for his partnership as well.

Look, we have a climate crisis, and I believe that nuclear energy has a really important role to play as we work to transition to a net zero carbon emissions as quickly as possible in order to avoid the worst impacts of climate change, the devastating realities of where our planet is right now, which is in peril.

I am excited about a lot of parts of this bill, some of which were already highlighted by Senator Whitehouse. But I want to just really focus on three.

Right now, we have to understand that our existing nuclear reactors provide the majority, the majority, of carbon-free electricity that is currently generated in the United States. Losing these plants prematurely, especially in a market that does not reflect fairness because they are not subsidized to the degree that should be reflected in the carbon that is created in other types of energy, this would be unfortunate. This would be wrong, and this would contribute to climate change, as opposed to helping to cure it. Preventing our existing fleet of nuclear reactors from shutting down

prematurely should be an urgent cause if we are serious about climate change.

Second, this is an area of science that needs more research. We need more innovation. We have been losing our competitive advantage globally when it comes to research in this area. So the creation of an X Prize and other provisions, this bill will help facilitate the development of the next generation of advanced nuclear reactors.

A lot of the science that I have read over the last few years has shown incredible promise that these reactors can be far safer, more economical, generate less waste than existing reactors, and really, some of the breakthroughs that are being foreshadowed could be out of science fiction in terms of what they could create. We can't allow the best of nuclear energy research innovations and breakthroughs to be cornered by other people around the planet. We need to be on the front lines of that, and this X Prize will help with that.

Finally, a big issue, and I am proud to be one of the cofounders of the Environmental Justice Caucus here in the Senate, and one of the urgent issues we have in this country that is not talked about enough is the severe reality that many Americans do not have access to clean air, clean water, live in toxic environments that cause them untold human suffering.

This bill authorizes a billion dollars of new funding for the EPA to clean up abandoned uranium mines on tribal lands. These abandoned mines can be serious threats to public health for indigenous communities. Cleaning up this toxic legacy pollution should be an urgency for this Nation. It is an issue of environmental justice. It is, in many cases, and could be, rather, a life or death situation.

I am proud of the bipartisan work we have done in this Committee and over the years related to nuclear energy, and I believe we have now crafted another very important piece of legislation. I look forward to continuing the work together, and I want to thank you for the time.

Senator BARRASSO. Thank you for your continued leadership on this and so many other important topics.

Senator Cardin.

Senator CARDIN. First, Mr. Chairman, I do want to also join our other colleagues in congratulating you on your leadership in this Committee. It really has been a pleasure to serve here as we have gotten constructive work done under your leadership and Senator Carper's leadership.

In the area of nuclear power, the accomplishments show, including what we are able to do today, so thank you.

Nuclear power is critically important to this country. As Senator Booker has pointed out, the reliance on nuclear power today is dramatic. It is carbon-free. It does help us with climate change.

But let's look at the realities. Our nuclear reactors are old, and they need attention, and they need modernization and replacement.

The economics of nuclear power today in the energy field is not as promising as it was when we started out on nuclear energy. So this legislation helps us deal with the realities of moving forward with nuclear power in this country. I applaud you on the efforts in

getting such strong support in this Committee. Obviously, we still have some work to do.

I thank you for incorporating into the vote today the amendment that I offered that increases the nuclear reactor incentives from 2 years to 4 years, which is more realistic on the needs that are out there. I thank you for incorporating that change.

On the other matter we took up today, I will be very brief, on the GSA resolutions, I didn't object to any of them. I just want to make two observations. One, there is a courthouse renovation in Missouri for \$50 million. The justification is certainly very significant, safety concerns concerning a curtain wall. So therefore I did not object.

But I do point out, this was a building built in the 1990s. It passed with very high ratings by the Administrative Office of the Courts in 2012. We have still not resolved how we are dealing with new courthouses. I hope in the next Congress, we will take a stronger look at the maintenance and replacements of courthouses in this country.

The second issue is that there is an FBI modernization in Ohio, which I support. But I hope in the next Congress, and I thank you for your leadership in dealing with the FBI headquarters here in the DC area, recognizing that there has been a need for a campus consolidation to replace the Pennsylvania Avenue facility, I really hope we will get back on track on that in the next Congress, and I thank you and Senator Carper for your leadership on this issue during this Congress during some very difficult moments.

I think we will have, I hope, we will have a constructive way forward in the next Congress.

With that, Mr. Chairman, I thank you again for your leadership.

Senator BARRASSO. Well, thank you, Senator Cardin. As I said to Senator Van Hollen here, sandwiched between the two Maryland Senators, you know that from the standpoint of the Chesapeake Bay with my old Uncle Pete's Italian restaurant there in Dundalk, Maryland, that hopefully from their standpoint, I was a good partner in a bipartisan way on issues related to the Chesapeake Bay and the Patapsco River.

Senator VAN HOLLEN. Thank you, Mr. Chairman. Thank you for your support on the Chesapeake Bay cleanup efforts together with Senator Cardin, Senator Carper, and others from the Bay State areas. I too want to thank you for the way you have conducted this Committee during your tenure. I appreciate it, along with the Ranking Member. While we have had our disagreements on a number of issues, we have also been able to find common ground on a number of important measures.

On this bill, I do believe that the benefits outweigh the downsides, and I am supporting it. I think nuclear power is an important part of our energy mix, especially with respect to achieving our goals of combating climate change.

I think Senator Booker and others have pointed out that more than half of the carbon-free energy produced in the United States comes from nuclear power. I think advanced nuclear reactors can play an important role in furthering our goal of addressing climate change. So I appreciate the elements in the bill on that front.

I will say, Mr. Chairman and Ranking Member, I would not have supported the bill but for the additional provisions in my amendment, and thank you for supporting that. We have to be very alert to the dangers of nuclear proliferation. While I think that advanced nuclear reactors have a promising role globally in terms of combating climate change, we also need to make sure that these fuels are not diverted for malign purposes.

That is why, for the first time in this legislation, we will be providing a structure to address those important issues. So I am very pleased those are included in this bill.

I do have some serious concerns with certain elements of the bill, and Mr. Chairman, I just ask unanimous consent to include my full statement in the record.

Senator BARRASSO. Without objection.

Senator VAN HOLLEN. Thank you.

[The prepared statement of Senator Van Hollen follows:]

STATEMENT OF HON. CHRIS VAN HOLLEN,  
U.S. SENATOR FROM THE STATE OF MARYLAND

Mr. Chairman, I am glad that the Senate Environment and Public Works Committee came together on a bipartisan basis to pass legislation that will strengthen our nuclear nonproliferation and export control policy, sustain the existing fleet of nuclear reactors, and facilitate the development of advanced reactor designs. On balance, with the inclusion of my amendment, this bill serves our nonproliferation interests, and I believe it expands our carbon-free energy options. But there are a number of troubling provisions that I would seek to amend as it moves forward and through the appropriations process.

I appreciate that my colleagues on the Senate Environment and Public Works Committee adopted my amendment to reinforce nonproliferation and nuclear security guardrails for the new generation of nuclear reactors and fuels. Facilitating the development and eventual export of advanced nuclear technologies must only proceed in tandem with steadfast efforts to stop the spread of nuclear weapons and thwart nuclear terrorism. My amendment prevents foreign buyers from misusing or diverting U.S. made nuclear technologies for weapons purposes or from leaving them vulnerable to theft or sabotage. I will build on this effort in the new Congress next year and ensure that our nuclear export policy converges with our nonproliferation goals.

I also appreciate ANIA's provision to establish a credit program for nuclear power plants facing potential closure due to economic headwinds. Generating approximately 20 percent of our country's electricity and over half of our carbon-free energy, nuclear power is an essential prong in our efforts to achieve net zero carbon emissions and mitigate the impacts of climate change. This bill, through the extension of credit incentives, would keep our existing fleet of nuclear reactors safely operating online and contributing clean energy to the grid. Additionally, it will help level the playing field for safe nuclear power plants that compete against carbon emitting natural gas plants backed by Federal subsidies. While it is outside of the scope of this bill, I would urge my colleagues to maintain, and in some cases expand, tax incentives and other financial support for other key parts of our clean energy sector, including solar and wind, efficiency, and energy storage, that face challenges and can be powerful drivers of economic growth.

Yet, while I am voting to pass the bill from the Committee, I do have significant reservations.

Above all, I oppose ANIA's provision to create an unnecessary and costly domestic uranium reserve, and I cosponsored an amendment to strike this provision from the bill. Given the abundant supply of uranium in the market and our country's large stocks of uranium for defense needs, there is no economic, technical, or strategic reason to establish this reserve. Expanding uranium mining operations at this juncture will only cause further environmental damage, imperil the health and safety of mining impacted communities, and inject unnecessary volatility into uranium markets. ANIA's provision allocates no funding for the reserve's establishment, and I will oppose through the appropriations process any funding for this purpose. Furthermore, I will work with my colleagues on the Senate Environment and Public Works Committee to protect communities across the country suffering from the en-



vironmental fallout of uranium mining. I also share the interest of many of my colleagues on the Committee in providing maximum support to assist nuclear communities that have been hit hard by the closure of nuclear power plants.

I am disappointed that this bill fails to overturn the budget caps—codified in the Nuclear Energy and Modernization Act—on the Nuclear Regulatory Commission's (NRC) corporate support costs. Setting artificial limits on the amount of money the NRC can request in its budget to carry out important functions, like human resources management, personnel background investigations, and information technology services, risks straining the NRC's budget and compounding staffing issues at the Commission. As the regulatory agency charged with ensuring that our nuclear power plants operate safely and securely, the NRC must be fully equipped to carry out its functions.

While I oppose some of the provisions in this bill and am disappointed by its failure to address certain issues, on the whole, ANIA will underpin a strong non-proliferation policy, advance efforts to expand alternatives to carbon emitting fuels, and help combat climate change. For that reason, I voted in support of passing the bill out of Committee. As ANIA continues on its legislative journey through the Senate and House, I will work to protect the important provisions of this bill and remove those that are counterproductive.

Senator BARRASSO. I see both Senator Markey and Senator Merkley in the room.

Would either of you like to be recognized?

Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman, very much. I wish we were celebrating today with a catered meal from Uncle Pete's Italian Restaurant in Maryland.

What is really amazing is how no one would ever answer the question correctly from New Jersey or Massachusetts or Rhode Island, as to which State had two Italian Senators, and Wyoming, of course, is the Jeopardy answer that no one would ever guess in our country.

So we thank you for your service, and Bobbi's, for all of these years here. Thank you.

While I appreciate the work that the Ranking Member and other members of the Committee have done to improve the American Nuclear Infrastructure Act of 2020 from earlier versions, unfortunately, what the majority is doing today still represents a bad deal for the country, the climate, and our environmental justice communities.

Inside this bill, there is a cash bailout of our Nation's most decrepit and un-economic nuclear power plants, a bailout that could cost more than \$1 billion. This isn't cash for clunkers; this is clunkers getting cash.

Now, the majority will say that we need to do this to increase the reliability of our electric grid. Well, let me tell you what has already happened this year in 2020 in the midst of a pandemic. The United States has added more than 33,000 new megawatts of wind and solar. How many new megawatts of nuclear have we added? None. Zero. Last year? Zero. Year before? Zero. Next year? Zero.

My Republican friends will say that wind and solar isn't the same as nuclear. But even adjusting for the efficiency of wind and solar compared to nuclear, that is the same as adding 12 new 1,000 megawatt nuclear power units this year to the grid of the United States. Twelve 1,000 megawatt nuclear power plants, this year, and next year, and the year after, and the year after, and the year after, while we are waiting for the first nuclear power plant to

come online in this generation. That would be just one plant that generated maybe 1,000 megawatts, maybe, one plant.

So, at the same time that the majority is trying to bail out the most decrepit, un-economic, poorly run nuclear plants in the country, they are refusing to work with Democrats to extend the tax credits for wind and solar, which are supercharging our electric grid and our economy.

I would be willing to talk about a program to support nuclear power, but you just can't have one side of the conversation. You can't make it harder for wind and solar to succeed by propping up nuclear power at the expense of other technologies.

If we subsidize old nuclear plants without planning for a long term clean energy transition, that allows utilities to greenwash their portfolio. Providing additional help for existing nuclear power means these utilities could meet State and other clean energy targets without having to actually bring on any new clean energy generation. They are just meeting them with a decades old fleet.

That is not going to solve the climate crisis, and we have already seen that start to happen in States with nuclear handout schemes.

These programs aren't working to keep gas off the grid long term. They are keeping new renewables off the grid, and even with the bailout, these decrepit plants can't be kept online forever.

Without actually supporting new clean energy generation, we are just deferring the emissions crisis. That is not supporting a clean future. It is selling it off.

For anyone who thinks this nuclear bailout is a new idea, it is not. It is just one-half of former Secretary Rick Perry's attempted bailout of the coal and nuclear industries.

This idea to bail out our nuclear fleet is so old and outmoded that I think it would actually qualify for cash payments under this bill. This same old plan we see in this bill, payments to keep un-economic plants on the grid, was opposed by everyone from the NRDC to the Heritage Foundation. In fact, this bill was opposed by the NRDC, the League of Conservation Voters, and more than a hundred other groups.

I would like to ask unanimous consent to submit these three letters from these groups into the record.

Senator BARRASSO. Without objection.

[The referenced information follows:]

**League of Conservation Voters \* Natural Resources Defense Council \* Sierra Club**

December 1, 2020

Dear Senator,

On behalf of our millions of members and supporters, we urge you to oppose S. 4897, the American Nuclear Infrastructure Act of 2020 (ANIA). Rather than delivering clean, safe and affordable energy to the nation, the ANIA attempts to prop up an overly subsidized industry with well-known environmental, public safety, and national security risks. Instead of continuing down this misguided path, Congress should help develop cleaner, safer solutions to supply the nation's power demand.

S. 4897 proposes to prop up an uncompetitive industry through deeply problematic measures that set up a superfluous domestic uranium reserve even though there is no danger of a uranium shortage (and does so in order to artificially sustain the polluting domestic uranium industry that is long overdue for reform) and promote unstable advanced nuclear fuels without sufficient safeguards. These attempts to subsidize an industry that has enjoyed decades of government largesse should be balanced against truly clean technologies that do not carry the same environmental and national security liabilities and that the last two decades have conclusively demonstrated can reduce carbon faster and at a vastly cheaper cost. Thus, the bill signals deeply misplaced priorities and would be objectionable on that premise alone. Additionally, we object to the following features:

**The ANIA puts the nuclear industry first in line in front of safer, environmentally friendly, and economically competitive solutions to climate change.** Federal support for nuclear should only be considered as part of a broader suite of policies that also support renewables and efficiency. The ANIA instead singles out nuclear for federal subsidies without a full consideration of the potential negative impacts of such support on alternatives. It includes many provisions that simply do not exist for other forms of clean energy, and yet the ANIA fails to consider whether similar programs for those other forms of clean energy would achieve better climate results. If there is to be any additional federal support for nuclear, it must be considered as part of a comprehensive package to address our constrained world.

Section 301 of ANIA creates a severely problematic federal "emissions avoidance" program for nuclear reactors. Beyond the fact that an emission avoidance program should not single out a specific energy source, this program ignores the reality of the aging U.S. nuclear fleet. Instead, the program continues to fund the impossible notion that nuclear reactors can operate forever. Nuclear reactors are already being pushed to operate twice their planned lifetime, to 80 years. The cost and risks of pushing reactors so far without increased safety standards brings unnecessary risk to the health and safety of communities and the environment. Moreover, nuclear plants do not provide any unique resilience, reliability, or fuel diversity benefits; their sole beneficial attribute is the generation of low-carbon electricity. In fact, nuclear reactors themselves are not resilient to climate change. Already, reactors have had to shut down due to increased temperatures and decreased water supplies. The real problem that therefore needs to be addressed is that when nuclear plants retire abruptly, the outcome can be increased generation and emissions from fossil fuel plants.

Section 301 fails to face these realities. The Section provides no criteria to define what “economic factors” the Secretary should at a minimum consider when determining which reactors should receive credits. We find this especially concerning given the reality exposed in Ohio of reactors publicly claiming economic distress while privately funding their bail-out bill. We question the wisdom of proceeding without definitive and transparent criteria to judge by. Moreover, preventing closures of nuclear reactors should focus primarily on providing the time needed to scale up clean energy alternatives, e.g., energy efficient and renewable energy. Rather than an economic recovery plan as Section 301 currently requires, a community and electricity source transition plan should be required in law as a component of any public funds supporting nuclear electricity generation.

**The ANIA decreases funding for the Nuclear Regulatory Commission (NRC) by removing the NRC’s ability to recover regulatory costs.** Any decrease in regulatory costs for nuclear reactors only further places in harm’s way the NRC’s ability to meet its safety objectives over the long term. Indeed, more discussion and analysis should be done both by the agency and Congress to ensure the NRC has the financial and technical resources to fully meet any safety challenge that could be presented by an aging domestic reactor fleet. Yet Section 201 of the ANIA rewards fast development of new, potentially riskier nuclear technology with the avoidance of fees meant to fund the assurance that such technology will not endanger the public or the environment. Section 203 of the ANIA also further limits the NRC’s ability to recover costs. The NRC’s primary purpose is advancing nuclear safety and security. Yet with these Sections of the ANIA, the agency is not only losing its ability to do so, but also confusing its role as a regulator of the nuclear industry by instead being placed in the role of a nuclear promoter.

**Section 402 establishes an unnecessary uranium reserve.** A U.S. uranium reserve is a wasteful solution in search of a problem because the ostensible purpose of the proposal – to assure against domestic uranium supply disruptions – is a non-issue. Much of America’s uranium supply comes from countries that are strong allies with whom we have stable trade relationships, including Canada and Australia, and the International Atomic Energy Agency has a global “uranium bank” to ensure a stable supply of uranium worldwide.

Moreover, the Department of Energy (DOE) already has a reserve of excess uranium inventory, and it has been the source of years of discussion and occasional controversy. The Uranium Producers of America has complained repeatedly of DOE’s entry into the market. Press reports in the last few years describe the domestic producers calling for DOE to “cease transfers of excess uranium from federal inventory until the uranium market recovers from its current oversupplied state,” and further complaining that “DOE’s inventory sales had a negative impact on the uranium market and the domestic uranium industry.”<sup>1</sup> Added to DOE’s already existing stores, the best way to assure a reserve exists into the future is to leave natural uranium, unmined, in its place in nature. The existing in situ reserves cost nothing to maintain until such time as needed.

Rather than spend time and money trying to artificially sustain uranium mining and milling industries, the inadequate regulatory system should be fixed. The conventional and in situ leach uranium mining and milling industries have caused devastating harm to Western communities

---

<sup>1</sup> <https://www.world-nuclear-news.org/UF-US-agencies-look-at-excess-uranium-inventory-1003177.html>.

and groundwater for decades and, in great measure, remained free from any protective, sensible regulation. The Trump Administration scuttled the EPA's progress in finally providing a sound structure for uranium mining regulation that would have both been protective of the environment and provided straightforward regulatory certainty for the industry. 83 Fed. Reg. 54,543 (Oct. 30, 2018); *Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings, Proposed Rule*, 80 Fed. Reg. 4,156-187 (Jan. 26, 2015); 82 Fed. Reg. 7,400-430. The uranium industry should not be further propped up until EPA revives and finalized its uranium rule. With the current lack of regulation, the proposed uranium reserve would do nothing to serve America, and in the process would further degrade precious groundwater resources and negatively impact tribal lands and lives.

**Any undermining of the National Environmental Policy Act (NEPA).** We deeply appreciate the committee's decision to eliminate the ANIA's attacks on NEPA. We mention NEPA to emphasize how serious such measures would have been. NEPA is the primary instrument for considering vital public input about a project's impact to the community and environment. The initial version of the ANIA included sections that played into the current effort to delegitimize and weaken NEPA. Dismantling environmental regulations for new nuclear reactor designs will not facilitate commercial development of this technology; rather, this engineering and materials science work must stand up on its merits for safety, reliability and economic competitiveness. As with any new technology, robust environmental analysis as required by law must inform and guide decisions relating to major federal actions. We want to be clear – any future attempt to undermine NEPA for the nuclear industry is a poison pill.

**Promotion of unstable advanced fuel.** Today all U.S. nuclear reactors providing electricity to the grid use low-enriched uranium as fuel. Section 401 of the ANIA encourages uranium enriched in the isotope uranium-235 above these normal energy-use levels yet below typical enrichment levels in nuclear weapons (i.e., 5% - 20% uranium-235). At these higher levels of enrichment, the fuel becomes a nuclear proliferation risk, a terrorism risk, and the source of Japan's worst nuclear disaster before Fukushima, the 1999 Tokaimura Criticality Accident.

Nuclear power is unique in that there are substantial overlaps between civilian energy technology and military applications of this technology to nuclear weapons. The risk of nuclear weapons proliferation can be managed but not eliminated. Preventing the proliferation of nuclear weapons must remain a cornerstone of U.S. national security policy and a consideration of utmost importance for the future of nuclear power. We applaud the ANIA's brief consideration of non-proliferation in Section 401. However, advanced nuclear fuels should reduce or at least not increase proliferation risks compared with current technology, and overall high-assay low-enriched uranium fails to meet this standard. We are therefore also concerned about Section 103 and its suggestion that the NRC could or would approve export of high-assay low enriched uranium and plutonium. The terrorism and proliferation concerns of these fuels must be fully taken into account; tacking on such a Section risks making a thoughtless and dangerous mistake in the regulation of these fuels.

And on a last note, the authorization in Section 503 to support Superfund and additional cleanup actions on tribal lands is a welcome nod in the right direction. But there have been no hearings on this matter of great complexity, and how any such process will work to correct the years of botched cleanups and disregard for tribal health concerns has not been explored. We would be

more than happy to work the Committee on legislation to improve and address the dreadful legacy harms of uranium mining, but such a provision seems an afterthought in all of this.

We agree that Congress should address nuclear power. But instead of further subsidizing the industry, it should focus its efforts on prioritizing a safe, consent based nuclear waste solution, applying nuclear weapons proliferation tests to new reactor designs, considering severe accidents in the full impacts of the nuclear fuel cycle associated with advanced reactors, updating safety standards, and requiring greater clarity of the economic competitiveness for advanced reactor designs earlier in the research and development process. The ANIA fails to accomplish any of these and instead continues to subsidize high risk industries to the exclusion of safer ones. We once again urge you to oppose the American Nuclear Infrastructure Act of 2020.

Sincerely,

League of Conservation Voters  
Natural Resources Defense Council  
Sierra Club

December 1, 2020

The Honorable John A. Barrasso  
Chairman  
Environment and Public Works Committee  
United States Senate  
307 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Thomas R. Carper  
Ranking Member  
Environment and Public Works Committee United States Senate  
456 Dirksen Senate Office Building  
Washington, DC 20510

**Re: Oppose Uranium Reserve in ANIA Letter**

Dear Chairman Barrasso, Ranking Member Carper, and Members of the Senate Committee on Environment and Public Works,

On behalf of our thousands of members, as well as on the behalf of mining-impacted communities throughout the West, we write to express our opposition to the creation of a domestic uranium reserve under Title IV, Section 402 of the American Nuclear Infrastructure Act of 2020 (ANIA S.4897). By establishing a domestic reserve, even though there is no danger of a uranium shortage, ANIA Section 402 represents no more than a bailout for the uranium mining industry.

Five companies produced uranium from seven domestic facilities in 2018, according to the Energy Information Administration. Energy Fuels Resources (Energy Fuels), a publicly traded Canadian company, advocated for removing protections from the Bears Ears National Monument to benefit their own nearby uranium mill- as well as claims they sold in exchange for a large stake in the purchasing company, enCore Energy. Energy Fuels has an interest in almost ⅓ of active mining claims within the original boundaries of the Monument, many of which now fall outside the Monument's boundaries.

Energy Fuels and Ur-Energy, another Canadian-based company, petitioned the Commerce Department in 2018 to impose quotas on uranium imports by falsely raising the specter of national security concerns. Under pressure from nuclear power utilities unwilling to pay a higher price for lower quality U.S. uranium, the Trump Administration denied the petition last year and instead created the United States Nuclear Fuel Working Group—the next target to which these companies would later pitch their bailout. ANIA Section 402 calls for both taxpayer subsidies and government manufactured demand to appease nuclear utilities' cost concerns.

Trade restrictions, uranium subsidies, and artificial demand can make bad policy, a view shared across the political spectrum. Protections for iconic American landscapes like Bears Ears and the Grand Canyon enjoy bipartisan support. Both of these sites are sacred to many Indigenous Peoples. And yet, ANIA Section 402 lines the pockets of foreign mining companies that have plans to exploit these places. It also reinforces this Administration's controversial decision to add uranium to its list of so-called critical minerals. Traditionally, fuel minerals are not classified as critical minerals.

This uranium reserve provision also lays bare the toxic and racially troubled legacy of uranium mining. Mining-impacted Indigenous communities will likely suffer the most from the uranium filling this reserve. These communities have traditionally not received meaningful consultation in the siting and operation of uranium mines. A recent University of New Mexico study found that more than ¼ of over 700 Navajo Nation women tested had high concentrations of uranium in their bodies. These negative impacts to Native health and lives continue to persist long after mining ceases. Taxpayer support for an industry that has left a lasting and disproportionate health impact in Indigenous Communities is unjustifiable.

Although we appreciate that ANIA contains a specific exclusion for the Grand Canyon mining withdrawal and tribal lands, uranium mining and waste processing does not happen in a vacuum. Mining companies receiving a financial boost from a taxpayer funded uranium reserve still have plans and investments in and around these places, and contamination of the air, lands, and waters near excluded tribal lands will still negatively and disproportionately affect these communities.

The White Mesa Mill, for example, sits just 4 miles north and upgradient of the Ute Mountain Ute community of White Mesa in southeastern Utah, just outside the original boundaries of Bears Ears National Monument. The White Mesa Mill is the only conventional uranium mill in the country, processing conventional ores as well as waste transported from in situ uranium mines. The waste in the mill's tailings impoundments, sprawling hundreds of acres, will remain there in perpetuity. The community of White Mesa continues to worry that the highly acidic, toxic, and radioactive waste will, over time, eventually leak into deeper groundwater and their water supply.

ANIA Section 402 will further these impacts upon communities through existing and potential new uranium mines permitted through an ad hoc regulatory structure that fails to protect scarce Western groundwater. The Obama Administration had been well on its way to addressing the need for new, protective uranium recovery standards under EPA's purview. The current Administration withdrew those long overdue proposed standards and we now face the Nuclear Regulatory Commission's likely attempt to weaken their already grossly inadequate standards.

The toxic legacy remaining from our Cold War efforts to mine uranium has also left mining impacted communities and taxpayers with the financial burdens of cleanup. Uranium mines pay no federal reclamation fee nor federal royalty in exchange for the massive profits they make from lands that belong to the American public. ANIA Section 402 only furthers that injustice while artificially propping up polluting, non-U.S. companies that are inadequately regulated at U.S. taxpayers' expense.

For the above reasons, we respectfully urge you and the Committee to strip Title IV, Section 402 from the American Nuclear Infrastructure Act of 2020.

Sincerely,

Accents Away

ACT

Alliance of Nurses for Healthy Environments



Arizona Faith Network  
Arizona Trail Association  
Beyond Nuclear  
Black Hills Clean Water Alliance  
C.A.R.D. (Coloradoans Against Resource Destruction)  
Cape Downwinders  
CCSS (CONCERNED CITIZENS FOR SNEC SAFETY)  
Center for Biological Diversity  
Center for Cultural Evolution  
Citizen Power, Inc  
Citizens Awareness Network  
Citizens for Alternatives to Radioactive Dumping (CARD)  
Citizens' Resistance at Fermi Two  
Comite Dialogo Ambiental, Inc  
Concerned Citizens for Nuclear Safety  
Conservation Law Foundation  
Defenders of Wildlife  
Earthworks  
Elders Climate Action  
Environment America  
Environmental Justice Taskforce of the Western NY Peace Center  
Environmental Protection Information Center  
Food & Water Watch  
Franklin County Continuing the Political Revolution  
Friends of the Earth US  
Gila Resources Information Project  
Grand Canyon Trust  
Great Basin Resource Watch  
Great Old Broads for Wilderness

Green State Solutions  
 GreenLatinos  
 Heart of America NW  
 High Country Conservation Advocates  
 Hudson River Sloop Clearwater  
 Information Network for Responsible Mining  
 KentCom LLC  
 Klamath Forest Alliance  
 LEAD Agency, Inc.  
 League of Conservation Voters  
 Los Padres ForestWatch  
 Lynn Canal Conservation  
 Malach Consulting  
 Mining Impact Coalition of Wisconsin  
 Multicultural Alliance for a Safe Environment  
 New Mexico Environmental Law Center  
 North American Water Office  
 Northeastern Minnesotans for Wilderness  
 Nuclear AgePeace Foundation  
 Nuclear Information and Resource Service  
 Nuestra Tierra Conservation Project  
 Occupy Bergen County  
 On Behalf Of Planet Earth  
 Portsmouth/Piketon Residents for Environmental Safety and Security  
 Radiation Truth  
 Rock Creek Alliance  
 Samuel Lawrence Foundation  
 San Francisco Bay Physicians for Social Responsibility  
 San Juan Citizens Alliance

San Luis Obispo Mothers for Peace

San Luis Valley Ecosystem Council

Save Andrews County

Save Lake Superior Association

Save Our Cabinets

Save Our Sky Blue Waters

Sheep Mountain Alliance

South San Juan Broadband, Great Old Broads for Wilderness

Tennessee Environmental Council

The Lands Council

The Sierra Club

The Wilderness Society

Uranium Watch

Western Organization of Resource Councils

Western Watersheds Project

Wild Arizona

Women's Energy Matters

Fairewinds Energy Education

National Parks Conservation Association

Nuclear Free New York

Haydenville Congregational Church

November 30, 2020

Dear Chairman Barrasso, Ranking Member Carper, and Members of the Committee:

We write in opposition to S. 4897, the American Nuclear Infrastructure Act of 2020, which is scheduled for mark-up on December 2, 2020. The provisions in this bill would misdirect vital government, financial, and industrial resources to an uneconomical, environmentally unjust and harmful set of technologies. If 2020 has taught us anything, it is that we must marshal our national resources to address structural inequities and injustices that undermine our safety, health, economic security, and sustainability.

**Nuclear Power is Not a Climate Solution:** Nuclear energy amplifies and expands the dangers of climate change, and the measures proposed in S. 4897 would not change that basic reality. Nuclear power is too dirty, too dangerous, too expensive, and too slow to address climate change, and it is rooted in environmental injustice and human rights violations. The nuclear fuel chain relies on the extraction, processing, generation, and proliferation of vast amounts of radioactive and toxic wastes. By the time a single pound of nuclear fuel goes into a reactor, the production chain has produced more than 5,000 pounds of long-lived radioactive waste, which is either dumped in piles or ponds, or (in the case of depleted uranium) stored in cylinders or barrels in the open air.

The operation of nuclear power plants generates a myriad of radioactive wastes, and every pound of the fuel becomes an immense environmental hazard for which there is no solution. The eventual decommissioning of nuclear power plants then results in a vast pile of radioactive and toxic rubble, soil, metals, and liquids. The vast majority of uranium mines, mills, production facilities, reactors, and waste dumps are located in communities that are disproportionately rural, Indigenous, Black, People of Color, and low-wealth.

S. 4897 promotes this technology without mitigating any of these impacts, and by making some of them worse, with significant environmental justice, climate justice, economic justice, and nuclear weapons proliferation impacts.

**Environmental Justice:** S. 4897 seeks to expand uranium mining in the U.S. through creation of a domestic uranium reserve. While the bill does restrict procurement of uranium for the reserve from mines that are not located on Indigenous peoples' lands, it does not prohibit mining on those lands entirely. Companies could still mine uranium on Indigenous lands and sell it on the global market, or sell it to nuclear power plant owners directly. Neither does the bill prohibit procurement of uranium for the reserve quota from mines and mills that impact *other* environmental justice communities. And just as significantly, it does nothing to require federal agencies to mitigate the well-established environmental harms of uranium mining and milling practices, nor to require prompt and thorough reclamation and cleanup of mines, mills, and uranium processing facilities.

The provision allocating \$1 billion for cleanup of abandoned uranium mines (AUMs) on Indigenous lands is a welcome recognition of the issue. However, it is completely inadequate to the scope of the problem: the Navajo nation alone is burdened with over 500 AUMs, and it has cost at least \$1 billion to remediate a handful of them. Just as we cannot hope to prevent the

worst scenarios of global warming without action on the scale of the problem, we cannot rectify the impacts of uranium mining by throwing a small fraction of the necessary resources at it. There are over 15,000 AUMs nationwide, which have been leaking radioactive and toxic waste into groundwater, and releasing radioactive dust and gases, in most cases, for decades. This is a national crisis and must be treated as such.

**Climate Justice:** We need to invest in a transition to efficient, renewable, clean energy technologies that can scale up as rapidly as possible, as affordably as possible, to reduce emissions as aggressively as possible. Nuclear energy does not meet any of these criteria. New reactors have proven a waste of time and money since the 1980s. The record has worsened over time. In the first wave of nuclear reactor construction (from 1960-1990), about 50% of planned reactors were canceled. From 2005 to 2014, U.S. companies proposed to build 30 new nuclear reactors. All but two of them have been canceled or shelved, despite vast financial supports offered by federal and state governments. The only two reactors under construction – Vogtle 3 and 4, in Georgia – were proposed in 2008, were supposed to be online in 2017, and are now more than five years behind schedule. Their projected cost is now \$28.5 billion, double the original cost. The project has not reduced fossil fuel generation by a single kilowatt-hour; rather, massive production of concrete and steel for construction has generated significant greenhouse gas emissions.

The climate opportunity costs of nuclear investments are immense, and have dire consequences for communities on the frontlines of hurricanes, sea-level rise, flooding, drought, and wildfires. Had Southern Co. invested in renewable energy and energy efficiency starting in 2008, its customers' bills would be lower, and it would have started generating emissions reductions years ago. S. 4897 proposes to repeat this mistake, wasting even more time and money on uneconomical and impractical nuclear energy schemes. Several provisions of the bill promote new reactor designs that would not be commercially available for decades, if any of them ever proved economically and technically feasible. The provisions to curtail environmental and licensing reviews are short-sighted, reducing up-front costs while short-circuiting democratic protections against nuclear safety and environmental impacts.

**Economic Justice:** One provision of S. 4897 would create a ten-year subsidy program for about half of the nuclear reactors in the country – so-called “merchant reactors,” which sell electricity in competitive wholesale power markets. The bill directs the Environmental Protection Agency, in consultation with the Department of Energy (DOE), to establish a program to award “credits” to nuclear reactors that their owners claim would be shut down without federal financial support. The bill does not cap the cost of the program, the number of eligible reactors, or the prices of the “credits”. It authorizes expenditures from the Treasury in whatever amount DOE awards to qualified reactors. The bill does not require independent verification of nuclear corporations' claims about the emissions impacts of potential reactor closures. It does not consider states' renewable energy and energy efficiency targets and programs, with which these subsidies could interfere. It does not consider alternatives, such as whether renewable energy would be more affordable. It is short-sighted, awarding subsidies to old, uneconomical nuclear reactors in two-year increments. It does not provide for any planning on how to phase out and replace nuclear reactors with renewable energy sources by the time the program expires in 2030. And, because it only considers the profitability of individual nuclear power plants, it does not protect U.S.

taxpayers from being fleeced to pay uneconomical subsidies when cheaper alternatives and more strategic investments are available.

**Nuclear Weapons Proliferation:** S. 4897 seeks to prioritize the introduction of other harmful nuclear fuel production technologies, including nuclear waste reprocessing and commercializing the production of more highly enriched uranium (so-called, high-assay low-enriched uranium, or HA-LEU, with the concentration of uranium-235 increased to between 5.0% and 19.99%). Both reprocessing and HA-LEU present nuclear weapons proliferation risks by commercializing technologies for higher-grade enrichment and plutonium processing. Commercial HA-LEU production would normalize the use of civilian enrichment technologies to achieve higher grades of uranium enrichment, demonstrating the potential for their use in producing bomb-grade uranium. Reprocessing has produced immense environmental contamination and complicated nuclear waste management in the U.S. and everywhere else it has been implemented. For instance, after 45 years and billions of dollars spent, we are still decades and billions of dollars from completing cleanup of the first commercial reprocessing plant in the US, at West Valley, NY, which only operated for six years.

What is more, the provision of S. 4897 that requires DOE to produce an annual report on inventories of spent (irradiated) fuel does nothing to mitigate the environmental crisis posed by that waste. We have a growing stockpile of nearly 90,000 tons of commercial irradiated fuel, which will be hazardous for more than 1 million years, and no viable means to safely manage it. While S. 4897 would require DOE to provide cost estimates for what that might entail, it does not require DOE to take the legal steps necessary to reinstate the statutorily mandated payments by the nuclear industry to the Nuclear Waste Fund, which were suspended by court order in 2014 because DOE lacked a credible estimate of the cost. Meanwhile, the current inventory of irradiated fuel is growing by 2,000 tons per year, and already exceeds the statutory limit of the first proposed repository—Yucca Mountain—which has been canceled because the site has proved unsuitable.

**Nuclear Disaster Risks:** S. 4897 does nothing to make nuclear power safer for climate change, while compromising the nation's ability to address either. Nuclear power is not being regulated for climate change and other known dangers. As this committee saw in 2019, the Nuclear Regulatory Commission (NRC) has adopted regulations making it optional—not required—to address verified vulnerabilities to flooding and earthquakes. NRC has similarly failed to address other major disaster risks. A National Academy of Sciences panel in 2006 identified the industry's practice of packing irradiated ("spent") fuel pools to maximum density as a major national security threat, yet NRC has refused to acknowledge the danger and allowed high-density racking to continue at virtually all operating reactors.

NRC's habit of relaxing safety requirements has only worsened during the pandemic. NRC has refused to take any actions to protect nuclear workers from COVID-19, nor even to require its licensees to provide any reporting of infection, testing, and hospitalization rates among their workforces. The few publicly available reports through news media indicate evidence of massive problems, with hundreds of workers infected at multiple sites. On top of that, NRC has canceled hundreds of required, scheduled safety inspections, security drills, and emergency preparedness exercises, for up to two years. The report required by S. 4897 does not even fill the data gaps that

NRC's inaction has created, much less protect nuclear workers and their communities from infection.

Congress must not continue enabling NRC and the industry it regulates to put short-sighted economic interests ahead of human lives, racial justice, the health of our environment, and safe drinking water. We cannot perpetuate false solutions to the climate crisis that perpetuate our reliance on dirty energy industries, and have any hope of ending the climate and environmental justice crises those industries bring about. We hope we can count on you to reject S. 4897 and embrace policies that will truly support a just and equitable transition to safe, clean renewable energy.

Sincerely,

Timothy Judson  
Executive Director  
Nuclear Information and Resource Service  
6930 Carroll Ave., Suite 340  
Takoma Park, MD 20912  
timj@nirs.org  
(301) 270-6477

Mitch Jones  
Policy Director  
Food & Water Watch  
Washington, DC  
mjones@fwwatch.org

Lukas Ross  
Program Manager  
Friends of the Earth  
Washington, DC  
lross@foe.org

Tom Goldtooth  
Executive Director  
Indigenous Environmental Network  
Bemidji, MN  
ien@igc.org

Tyson Slocum  
Energy Program Director  
Public Citizen  
Washington, DC  
tslocum@citizen.org

Ted Glick  
Beyond Extreme Energy (BXE)  
Bloomfield, NJ  
indpol@igc.org

Kevin Kamps  
Radioactive Waste Specialist  
Beyond Nuclear  
Takoma Park, MD  
kevin@beyondnuclear.org

Lynn Thorp  
National Campaigns Director  
Clean Water Action  
Washington, DC  
lthorp@cleanwater.org

Virginia Palacios  
Climate and Clean Air Program Advocate  
GreenLatinos  
Washington, DC  
virginiapalacios@greenlatinos.org

Basav Sen  
Climate Policy Director  
Institute for Policy Studies Climate Policy  
Program  
Washington, DC  
basav@ips-dc.org

Matthew Davis  
Legislative Director  
League of Conservation Voters  
Washington, DC  
matthew\_davis@lcv.org

Susan Gunn  
Director  
Maryknoll Office for Global Concerns  
Washington, DC  
sgunn@maryknollogc.org

Jeff Carter  
Executive Director  
Physicians for Social Responsibility  
Washington, DC  
jcarter@psr.org

John Hill  
Deputy General Secretary  
The United Methodist Church - General  
Board of Church and Society  
Washington, DC  
jhill@umcjustice.org



**State, Territory, and Local Organizations**

Stephen Simon, PhD  
Chair, Policy Committee  
Elders Climate Action  
Prescott, AZ  
Info@eldersclimateaction.org

Paul Druding  
Peoples' Action for a Safe Environment  
Fayetteville, AR  
ARK.PASE@GMAIL.COM

Jodie Evans  
Co-Founder  
CODEPINK  
Venice, CA  
jodie@codepink.org

Patricia Borchmann  
Escondido Chamber of Citizens  
Escondido, CA  
pborchmann9@gmail.com

Dave Shukla  
Operations Director  
Long Beach Alliance for Clean Energy  
Long Beach, CA  
dave.shukla@gmail.com

Denise Duffield  
Associate Director  
Physicians for Social Responsibility-Los Angeles  
Los Angeles, CA  
dduffield@psr-la.org

Bart Ziegler, PhD  
President and Co-Founder  
Samuel Lawrence Foundation  
Del Mar, CA  
bart@samuellawrencefoundation.org

Robert M. Gould, MD  
President  
San Francisco Bay Physicians for Social Responsibility  
San Francisco, CA  
rmgould1@yahoo.com

Molly P Johnson  
Board Member  
San Luis Obispo Mothers for Peace  
San Miguel, CA  
mollypj@yahoo.com

Marylia Kelley  
Executive Director  
Tri-Valley CAREs  
Livermore, CA  
marylia@earthlink.net

Helen Jaccard  
Project Manager  
Veterans For Peace Golden Rule Project  
Samoa, CA  
vfpgoldenruleproject@gmail.com

Marie Venner  
Co Chair  
Call to Action CO  
Lakewood, CO  
marie@vennerconsulting.com

Marie Venner  
Co Chair  
Catholic Network US  
Lakewood, CO  
marie@catholicnetwork.us

Marcia Hoodwin  
Owner  
Accents Away  
Sarasota, FL  
Marcia@accentsaway.com

Mary Gutierrez  
Director  
Earth Action, Inc  
Pensacola, FL  
earthethicsaction@gmail.com

Pierrette J Cazeau  
President Founder NGO Representative  
Haiti Cholera Research Funding Foundation  
Inc USA  
Lake Worth, FL  
info@hcrff.org

Cee Cee Anderson  
Board Member  
Georgia WAND  
Atlanta, GA  
ceceand2003@yahoo.com

Joanne Steele  
Board President  
Nuclear Watch South  
Sautee-Nacoochee, GA  
savannahriverpilgrim@gmail.com

Cee Cee Anderson  
Board Member  
Women Changing The World  
Atlanta, GA  
ceceand2003@yahoo.com

Sherry Pollack  
Vice President  
350Hawaii  
Kaneohe, HI  
davidsher@juno.com

Leigh Ford  
Interim Executive Director  
Snake River Alliance  
Boise, ID  
lford@snakeriveralliance.org

Dave Kraft  
Director  
Nuclear Energy Information Service (NEIS)  
Chicago, IL  
neis@neis.org

Sophie R. Zaken  
Admin & Program Director  
Alliance for Affordable Energy  
New Orleans, LA  
sophie@all4energy.org

Ken McDonnell  
Member Representative  
350 Central Mass  
Worcester, MA  
klmcdonn@gmail.com

Guntram Mueller  
Co-Chair  
Boston Downwinders  
Newton, MA  
guntrammuel1@gmail.com

Diane Turco  
Director  
Cape Downwinders  
Harwich, MA  
tturco@comcast.net

Deborah Katz  
Executive Director  
Citizens Awareness Network  
Shelburne Falls, MA  
deb@nukebusters.org

Sabrina Davis  
Lead Organizer of Environment and Transit  
Coalition for Social Justice  
Fall River, MA  
Sab.cndavis@gmail.com

Bob Armstrong  
Chair  
FCCPR Climate Change Task Force  
Conway, MA  
bob@armstr.com

Gail Page  
Chair  
Green Sanctuary, Climate Justice Group of  
the Unitarian Universalist Church of  
Reading  
Reading, MA  
gailapage@gmail.com

Dr. Sheila Parks, EdD  
Founder  
On Behalf Of Planet Earth  
Watertown, MA  
sheilaruthparks@comcast.net

Laura Haight  
U.S. Policy Director  
Partnership for Policy Integrity  
Pelham, MA  
lhaight@pfpi.net

Mary Lampert  
Director  
Pilgrim Watch  
Duxbury, MA  
mary.lampert@comcast.net

Ellen E Barfield  
co-founder and coordinator  
Baltimore, MD Phil Berrigan Memorial  
Chapter Veterans For Peace  
Baltimore, MD  
ellene4pj@yahoo.com

Gwen DuBois  
President  
Chesapeake Physicians for Social  
Responsibility  
Baltimore, MD  
gdubois@jhsph.edu

Donald M. Goldberg  
Executive Director  
Climate Law & Policy Project  
Chevy Chase, MD  
donald@clpproject.org

Paul Magno  
Jon's House  
Baltimore, MD  
Pmagno@igc.org

Robert K. Musil  
President & CEO  
Rachel Carson Council  
Bethesda, MD  
bmusil1@yahoo.com

Cheryl Barnds  
Co Chair  
Rapid Shift Network  
Takoma Park, MD  
RiseWithTheSea@gmail.com

Ken Bossong  
Executive Director  
SUN DAY Campaign  
Takoma Park, MD  
kbossong@hotmail.com

Bruce K Gagnon  
Coordinator  
Global Network Against Weapons &  
Nuclear Power in Space  
Brunswick, ME  
globalnet@mindspring.com

Jesse Deer In Water  
Community Organizer  
Citizens Resistance at Fermi Two  
Redford, MI  
Changethelifeoftheworld@gmail.com

Michael J. Keegan  
Chairperson  
Coalition for a Nuclear Free Great Lakes  
Monroe, MI  
mkeeganj@comcast.net

Alice Hirt  
Co-Chair  
Don't Waste Michigan  
Holland, MI  
alicehirt@gmail.com

Sister Gladys Schmitz  
Board member  
Mankato Area Environmentalists  
Mankato, MN  
gschmitz@ssndcp.org

Lea Foushee  
Environmental Justice Director  
North American Water Office  
Lake Elmo, MN  
lfoushee@nawo.org

Mark Haim  
Director  
Mid-Missouri Peaceworks  
Columbia, MO  
mail@midmopeaceworks.org

Hope Taylor, MSPH  
Executive Director  
Clean Water for North Carolina  
Asheville and Durham, NC  
hope@cwfn.org

Steven Norris  
Vice President  
NC Alliance to Protect the People and the  
Places We Live  
Fairview, NC  
earthsun2@gmail.com

Santana Tamarak  
Board Chairman  
Western Nebraska Resources Council  
Chadron, NE  
santanatamarak@hotmail.com

Dennis M. M. Goldstein  
Citizen's Climate Lobby  
Denville, NJ  
dennisgoldstein2003@gmail.com

Janet Tauro  
NJ Board Chair  
Clean Water Action  
Long Branch, NJ  
Janettauro007@gmail.com

Sally Jane Gellert  
Occupy Bergen County  
Woodcliff Lake, NJ  
SJGUU@aol.com

Blair Nelsen  
Executive Director  
Waterspirit  
Rumson, NJ  
bnelsen@waterspirit.org

Rose Gardner  
Cofounder  
Alliance for Environmental Strategies  
Eunice, NM  
Nmlady2000@hotmail.com

Joni Arends  
Co-founder and Executive Director  
Concerned Citizens for Nuclear Safety  
Santa Fe, NM  
ccns@nuclearactive.org

Susan Gordon  
Coordinator  
Multicultural Alliance for a Safe  
Environment  
Albuquerque, NM  
sgordon@swuraniumimpacts.org

Jay Coghlan  
Executive Director  
Nuclear Watch New Mexico  
Santa Fe, NM  
jay@nukewatch.org

Ian Zabarte  
Secretary  
Native Community Action Council  
Las Vegas, NV  
mrizabarte@gmail.com

Jessica Azulay  
Executive Director  
Alliance for a Green Economy  
Syracuse, NY  
jessica@allianceforagreenecconomy.org

Barbara Warren, RN, MS  
Executive Director  
Citizens' Environmental Coalition  
Cuddebackville, NY  
warrenba@msn.com

Priscilla Star  
Director  
Coalition Against Nukes  
Sag Harbor, NY  
proscillaastar@hotmail.com

Ken Gale  
Producer  
Eco-Logic, WBAI-FM  
New York, NY  
nuffsaid@riseup.net

Manna Jo Greene  
Environmental Director  
Hudson River Sloop Clearwater  
Beacon, NY  
mannajo@clearwater.org

Marilyn Elie  
Organizer  
Indian Point Safe Energy Coalition  
Cortlandt Manor, NY  
eliewestcan@gmail.com

Stephen Kent  
President  
KentCom LLC  
Rhinebeck, NY  
skent@kentcom.com

Susan Hito Shapiro  
President  
LEAF of Hudson Valley  
Nanuet, NY  
susan@hitoshapirolaw.com

Stephen Merrill Smith  
Environmental Lawyer  
Merrill Legacy Group  
New York, NY  
smerrill@merrilllegacygroup.co,

Alice Slater  
UN Representative  
Nuclear Age Peace Foundation  
New York, NY  
alicejslater@gmail.com

Bill Smirnnow  
Nuclear Free New York  
Greenlawn, NY  
smirnnowb@is.netcom.com

Ken Gale  
Founder  
NYC Safe Energy Campaign  
New York, NY  
nuffsaid@riseup.net  
Tom Siracuse  
Shut Down Indian Point Now  
New York, NY  
tomsiracuse@hotmail.com

David Ellison  
Co-chair  
Green Party of Cuyahoga County  
Cleveland, OH  
david@dhellison.com

Vina Colley  
President  
Portsmouth-Piketon Residents for  
Environmental Safety and Security  
Portsmouth, OH  
P.O. Box 136

David Ellison  
Architect  
The D. H. Ellison Co.  
Cleveland, OH  
david@dhellison.com

Terry Lodge  
Convenor  
Toledo Coalition for Safe Energy  
Toledo, OH  
lodgelaw@yahoo.com

Charles K. Johnson  
Board Member  
Center for Energy Research  
Salem, OR  
johnsonc20@gmail.com

Nina Bell  
Executive Director  
Northwest Environmental Advocates  
Portland, OR  
nbell@advocates-nwea.org

Ernest Fuller  
Vice-Chairman  
Concerned Citizens for SNEC Safety  
Six Mile Run, PA  
fullercogm@gmail.com

Eric Epstein  
Chairman  
Three Mile Island Alert, Inc.  
Harrisburg, PA  
epstein@efmr.org

Elizabeth Aviles  
Presidenta Junta de Directores  
CCOREM  
Caguas, PR  
ccorem2013@gmail.com

Rev. Sary N. Rosario  
Christian Church (Disciples of Christ) in  
Toa Alta, PR  
San Juan, PR  
sary\_mar@yahoo.com

Abel Vale  
President  
Ciudadanos Del Karso  
San Juan, PR  
avn@cdk-pr.org

Peter Delgado  
Resident  
Clean Act  
Arecibo, PR  
Peterdelgadopr@gmail.com

Myrna Conty  
Coordinator  
Coalición Organizaciones Anti Incineración  
Guaynabo, PR  
gmchg24@gmail.com

Angel González, MD  
Colegio de Médicos Cirujanos de Puerto  
Rico  
San Juan, PR  
aagcmq84@gmail.com

Ruth Santiago  
Lawyer  
Comite Dialogo Ambiental, Inc  
Salinas, PR  
rstgo2@gmail.com

Miriam Gallardo Gonzalez  
Member  
Fase  
Arroyo, PR  
gallardo.miriam@yahoo.com

Eileen Llorens  
Health Network  
San Juan, PR  
eileenllorens@protonmail.com

Alice Pérez  
Psicóloga  
ISEP  
Carolina, PR  
prof.alice.perez@gmail.com

Tomás Flores  
Ex candidato al senado por distrito de  
Guayama PR  
Movimiento Victoria Ciudadana  
Cayey, PR  
tomasflorestorres2020@gmail.com

Jose A. Colon-Lopez  
Natours  
Boqueron, PR  
natouraves@gmail.com

Jose A. Menendez  
Chapter chair  
Sierra Club de Puerto Rico  
Trujillo Alto, PR  
jmenen6666@gmail.com

Juan Camacho  
Ambientalista  
TDA  
Trujillo Alto, PR  
Juancamachopr@yahoo.com

Annette Jiménez  
MExSC  
VidaSalud - Puerto Rico  
Manati, PR  
annetteyanira@gmail.com

Drew Hudson  
Founder  
198 methods  
columbia, SC  
drew@198methods.org

Dr. F. Taylor  
Justice coordinator  
Benedictine University  
Hilton Head, SC  
fintaylor@hargray.com

Maggie Gundersen  
Founder & Director  
Fairewinds Energy Education  
Charleston, SC  
info@fairewindsenergy.org

Jenn Galler  
Community Organizer  
Blue Ridge Environmental Defense League  
Knoxville, TN  
jgaller1112@gmail.com

Don Safer  
Board Member  
Tennessee Environmental Council  
Nashville, TN  
dsafer@comcast.net

Sarah Fields  
Program Director  
Uranium Watch  
Monticello, UT  
sarah@uraniumwatch.org

James Westwater  
Chairman  
Utah Valley Earth Forum  
Provo/Spanish Fork, UT  
THEUVEF@GMAIL.COM

Peggy Maze Johnson  
Board Member  
Heart of America NW  
Seattle, WA  
pmjconsults@gmail.com

Greg Wingard  
Executive Director  
Waste Action Project  
Kent, WA  
gwingard@earthlink.net

John LaForge  
Co-Director  
Nukewatch  
Luck, WI  
nukewatch1@lakeland.ws

Pamela Richard  
Office Administrator  
Peace Action of WI  
Milwaukee, WI  
pamrichard35@gmail.com



Senator MARKEY. Not only that, this bill would roll back current prohibitions on foreign ownership of our nuclear plants, common sense prohibitions that have been on the books for nearly 70 years, and the bill also sets the stage for further undermining of our nuclear safety regulations.

Since the pandemic started, we thankfully haven't had any melt-downs at any nuclear plants or any terrorist attacks, despite the fact that plants and the NRC have tried to keep folks offsite when possible because of the pandemic.

But this bill would have the NRC view that track record during the pandemic as a lesson to learn from. The fact that we avoided tragedy is not a lesson; it is luck. But this bill would try to enshrine that luck into law for all plants everywhere, even after the pandemic is over.

Here is this bill's answer to ailing nuclear plants. We would start with cash payments to our most ancient nuclear plants. Then the bill would allow foreign entities to swoop in and buy them. Then after that, it would continue rolling back safety requirements and inspections that are meant to make sure nuclear plants can respond to armed terrorists, all while Republicans are blocking any conversation on renewable energy solutions.

And we would do so without, in fact, talking about wind and solar storage battery technologies and other investments that are needed in order to move forward in the future.

Just when you thought there couldn't be any more radioactive ideas tucked into the bill, it would also prop up the dirty, dangerous uranium mining industry by creating artificial Federal demand for a toxic product. This bill would contribute to an ongoing environmental public health injustice crisis in the American West. Most at risk are the indigenous communities already devastated by mining pollution and the ongoing COVID-19 pandemic.

We already have a uranium mine contamination crisis in this country, and we have a climate crisis in this country. This bill is a Trojan horse; whole new problems masquerading as half-solutions. For these reasons, I oppose this legislation, Mr. Chairman.

Senator BARRASSO. Well, thank you very much, Senator, for your comments.

I would note that nearly two dozen organizations support the legislation, including environmental groups, such as the Clean Air Task Force, the Nature Conservancy, the Center for Climate and Energy Solutions, and A Third Way, as well as labor organizations such as the International Brotherhood of Electric Workers, IBEW, and the Utility Workers Union of America.

At this point, I ask unanimous consent that the staff have the authority to make technical and conforming changes to each of the matters approved today, and with that, this business meeting is concluded.

Thank you very much.

[Whereupon, at 10:26 a.m., the business meeting was adjourned.]

[Legislation submitted for the record follows:]

MAZ20754 TKS

S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

**S.4897**

To reestablish United States global leadership in nuclear energy, revitalize domestic nuclear energy supply chain infrastructure, support the licensing of advanced nuclear technologies, and improve the regulation of nuclear energy, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. BARRASSO (for himself and Mr.  
CARPER)

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “American Nuclear Infrastructure Act of 2020”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—REESTABLISHING AMERICAN INTERNATIONAL  
COMPETITIVENESS AND GLOBAL LEADERSHIP**

## 2

- Sec. 101. International nuclear reactor export and innovation activities.
- Sec. 102. Denial of certain domestic licenses for national security purposes.
- Sec. 103. Export license requirements.

#### TITLE II—EXPANDING NUCLEAR ENERGY THROUGH ADVANCED NUCLEAR TECHNOLOGIES

- Sec. 201. Advanced nuclear reactor prizes.
- Sec. 202. Report on unique licensing considerations relating to the use of nuclear energy for nonelectric applications.
- Sec. 203. Enabling preparations for the demonstration of advanced nuclear reactors on Department sites.

#### TITLE III—PRESERVING EXISTING NUCLEAR ENERGY GENERATION

- Sec. 301. Nuclear reactor incentives.
- Sec. 302. Report on lessons learned during the COVID-19 public health emergency.
- Sec. 303. Investment by allies.

#### TITLE IV—REVITALIZING AMERICA'S NUCLEAR SUPPLY CHAIN INFRASTRUCTURE

- Sec. 401. Advanced nuclear fuel approval.
- Sec. 402. National strategic uranium reserve.
- Sec. 403. Report on advanced methods of manufacturing and construction for nuclear energy applications.

#### TITLE V—MISCELLANEOUS

- Sec. 501. Nuclear energy workforce development.
- Sec. 502. Annual report on the spent nuclear fuel and high-level radioactive waste inventory in the United States.
- Sec. 503. Authorization of appropriations for superfund actions at abandoned mining sites on Tribal land.
- Sec. 504. Nuclear closure communities.
- Sec. 505. Report on corporate support.
- Sec. 506. Technical correction.

### 1 SEC. 2. DEFINITIONS.

2 In this Act:

- 3 (1) ACCIDENT TOLERANT FUEL.—The term
- 4 “accident tolerant fuel” has the meaning given the
- 5 term in section 107(a) of the Nuclear Energy Immo-
- 6 vation and Modernization Act (Public Law 115-439;
- 7 132 Stat. 5577).

## 3

1           (2) ADMINISTRATOR.—The term “Adminis-  
2       trator” means the Administrator of the Environ-  
3       mental Protection Agency.

4           (3) ADVANCED NUCLEAR FUEL.—The term  
5       “advanced nuclear fuel” means—

6           (A) advanced nuclear reactor fuel (as de-  
7       fined in section 3 of the Nuclear Energy Inno-  
8       vation and Modernization Act (42 U.S.C. 2215  
9       note; Public Law 115–439)); and

10          (B) accident tolerant fuel.

11          (4) ADVANCED NUCLEAR REACTOR.—The term  
12       “advanced nuclear reactor” has the meaning given  
13       the term in section 3 of the Nuclear Energy Inno-  
14       vation and Modernization Act (42 U.S.C. 2215 note;  
15       Public Law 115–439).

16          (5) APPROPRIATE COMMITTEES OF  
17       CONGRESS.—The term “appropriate committees of  
18       Congress” means—

19           (A) the Committee on Environment and  
20       Public Works of the Senate; and

21           (B) the Committee on Energy and Com-  
22       merce of the House of Representatives.

23          (6) CHAIRMAN.—The term “Chairman” means  
24       the Chairman of the Nuclear Regulatory Commis-  
25       sion.

## 4

1           (7) COMMISSION.—The term “Commission”  
2 means the Nuclear Regulatory Commission.

3           (8) DEPARTMENT.—The term “Department”  
4 means the Department of Energy.

5           (9) EARLY SITE PERMIT.—The term “early site  
6 permit” has the meaning given the term in section  
7 52.1 of title 10, Code of Federal Regulations (or a  
8 successor regulation).

9           (10) HIGH-ASSAY, LOW-ENRICHED URANIUM.—  
10 The term “high-assay, low-enriched uranium” means  
11 uranium with an assay greater than 5 weight per-  
12 cent, but less than 20 weight percent, of the ura-  
13 nium-235 isotope.

14           (11) INSTITUTION OF HIGHER EDUCATION.—  
15 The term “institution of higher education” has the  
16 meaning given the term in section 101(a) of the  
17 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

18           (12) NATIONAL LABORATORY.—The term “Na-  
19 tional Laboratory” has the meaning given the term  
20 in section 2 of the Energy Policy Act of 2005 (42  
21 U.S.C. 15801).

22           (13) REMOVAL; REMEDIAL ACTION.—The terms  
23 “removal” and “remedial action” have the meanings  
24 given those terms in section 101 of the Comprehen-

MAZ20754 TKS

S.L.C.

5

1 sive Environmental Response, Compensation, and  
 2 Liability Act of 1980 (42 U.S.C. 9601).

3 (14) SECRETARY.—The term “Secretary”  
 4 means the Secretary of Energy.

5 (15) TRIBAL LAND.—The term “Tribal land”  
 6 has the meaning given the term “Indian country” in  
 7 section 1151 of title 18, United States Code.

8 **TITLE I—REESTABLISHING**  
 9 **AMERICAN INTERNATIONAL**  
 10 **COMPETITIVENESS AND**  
 11 **GLOBAL LEADERSHIP**

12 **SEC. 101. INTERNATIONAL NUCLEAR REACTOR EXPORT**  
 13 **AND INNOVATION ACTIVITIES.**

14 (a) COORDINATION.—

15 (1) IN GENERAL.—The Commission shall—

16 (A) coordinate all work of the Commission  
 17 relating to—

18 (i) nuclear reactor import and export  
 19 licensing; and

20 (ii) international regulatory coopera-  
 21 tion and assistance relating to nuclear re-  
 22 actors, including with countries that are  
 23 members of the Organisation for Economic  
 24 Co-operation and Development; and

## 6

1 (B) support interagency and international  
2 coordination with respect to—

3 (i) the consideration of international  
4 technical standards to establish the licens-  
5 ing and regulatory basis to assist the de-  
6 sign, construction, and operation of nu-  
7 clear systems;

8 (ii) efforts to help build competent nu-  
9 clear regulatory organizations and legal  
10 frameworks in countries seeking to develop  
11 nuclear power; and

12 (iii) exchange programs and training  
13 provided to other countries relating to nu-  
14 clear regulation and oversight to improve  
15 nuclear technology licensing, in accordance  
16 with paragraph (2).

17 (2) EXCHANGE PROGRAMS AND TRAINING.—

18 With respect to the exchange programs and training  
19 described in paragraph (1)(B)(iii), the Commission  
20 shall coordinate, as applicable, with—

21 (A) the Secretary;

22 (B) National Laboratories;

23 (C) the private sector; and

24 (D) institutions of higher education.

## 7

1 (b) AUTHORITY TO ESTABLISH BRANCH.—The Com-  
2 mission may establish within the Office of International  
3 Programs a branch, to be known as the “International  
4 Nuclear Reactor Export and Innovation Branch”, to carry  
5 out such international nuclear reactor export and innova-  
6 tion activities as the Commission determines to be appro-  
7 priate and within the mission of the Commission.

8 (c) EXCLUSION OF INTERNATIONAL ACTIVITIES  
9 FROM THE FEE BASE.—

10 (1) IN GENERAL.—Section 102 of the Nuclear  
11 Energy Innovation and Modernization Act (42  
12 U.S.C. 2215) is amended—

13 (A) in subsection (a), by adding at the end  
14 the following:

15 “(4) INTERNATIONAL NUCLEAR REACTOR EX-  
16 PORT AND INNOVATION ACTIVITIES.—The Commis-  
17 sion shall identify in the annual budget justification  
18 international nuclear reactor export and innovation  
19 activities described in section 101(a) of the Amer-  
20 ican Nuclear Infrastructure Act of 2020.”; and

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

23 “(iv) Costs for international nuclear  
24 reactor export and innovation activities de-



1                   scribed in section 101(a) of the American  
2                   Nuclear Infrastructure Act of 2020.”.

3                   (2) EFFECTIVE DATE.—The amendments made  
4           by paragraph (1) shall take effect on October 1,  
5           2021.

6           (d) SAVINGS CLAUSE.—Nothing in this section alters  
7           the authority of the Commission to license and regulate  
8           the civilian use of radioactive materials.

9   **SEC. 102. DENIAL OF CERTAIN DOMESTIC LICENSES FOR**  
10                   **NATIONAL SECURITY PURPOSES.**

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

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

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

21           (b) PROHIBITION ON UNLICENSED POSSESSION OR  
22           OWNERSHIP OF COVERED FUEL.—Unless specifically au-  
23           thorized by the Commission in a license issued under sec-  
24           tion 53 of the Atomic Energy Act of 1954 (42 U.S.C.  
25           2073) and part 70 of title 10, Code of Federal Regulations

1 (or successor regulations), no person subject to the juris-  
2 diction of the Commission may possess or own covered  
3 fuel.

4 (c) LICENSE TO POSSESS OR OWN COVERED  
5 FUEL.—

6 (1) CONSULTATION REQUIRED PRIOR TO  
7 ISSUANCE.—The Commission shall not issue a li-  
8 cense to possess or own covered fuel under section  
9 53 of the Atomic Energy Act of 1954 (42 U.S.C.  
10 2073) and part 70 of title 10, Code of Federal Reg-  
11 ulations (or successor regulations), unless the Com-  
12 mission has first consulted with the Secretary and  
13 the Secretary of State before issuing the license.

14 (2) PROHIBITION ON ISSUANCE OF LICENSE.—

15 (A) IN GENERAL.—Subject to subpara-  
16 graph (C), a license to possess or own covered  
17 fuel shall not be issued if the Secretary and the  
18 Secretary of State make the determination de-  
19 scribed in subparagraph (B).

20 (B) DETERMINATION.—

21 (i) IN GENERAL.—The determination  
22 referred to in subparagraph (A) is a deter-  
23 mination that possession or ownership, as  
24 applicable, of covered fuel poses a threat to  
25 the national security of the United States

## 10

1 that adversely impacts the physical and  
2 economic security of the United States.

3 (ii) JOINT DETERMINATION.—A deter-  
4 mination described in clause (i) shall be  
5 jointly made by the Secretary and the Sec-  
6 retary of State.

7 (iii) TIMELINE.—

8 (I) NOTICE OF APPLICATION.—  
9 Not later than 30 days after the date  
10 on which the Commission receives an  
11 application for a license to possess or  
12 own covered fuel, the Commission  
13 shall notify the Secretary and the Sec-  
14 retary of State of the application.

15 (II) DETERMINATION.—The Sec-  
16 retary and the Secretary of State shall  
17 have a period of 180 days, beginning  
18 on the date on which the Commission  
19 notifies the Secretary and the Sec-  
20 retary of State under subclause (I) of  
21 an application for a license to possess  
22 or own covered fuel, in which to make  
23 the determination described in clause  
24 (i).

## 11

1 (III) COMMISSION NOTIFICA-  
2 TION.—On making the determination  
3 described in clause (i), the Secretary  
4 and the Secretary of State shall im-  
5 mediately notify the Commission.

6 (IV) CONGRESSIONAL NOTIFICA-  
7 TION.—Not later than 30 days after  
8 the date on which the Secretary and  
9 the Secretary of State notify the Com-  
10 mission under subclause (III), the  
11 Commission shall notify the appro-  
12 priate committees of Congress of the  
13 determination.

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

21 (C) EFFECT OF NO DETERMINATION.—  
22 The prohibition described in subparagraph (A)  
23 shall not apply if the Secretary and the Sec-  
24 retary of State do not make the determination

1 described in subparagraph (B) by the date de-  
2 scribed in clause (iii)(II) of that subparagraph.

3 (d) SAVINGS CLAUSE.—Nothing in this section alters  
4 any treaty or international agreement in effect on the date  
5 of enactment of this Act.

6 **SEC. 103. EXPORT LICENSE REQUIREMENTS.**

7 (a) IN GENERAL.—The Commission shall ensure that  
8 the materials and equipment described in subsection (b)  
9 that are approved for export by the Commission are in  
10 compliance with all applicable requirements of part 110  
11 of title 10, Code of Federal Regulations (or successor reg-  
12 ulations).

13 (b) MATERIALS AND EQUIPMENT DESCRIBED.—The  
14 materials and equipment referred to in subsection (a)  
15 are—

16 (1) high-assay, low-enriched uranium, includ-  
17 ing—

18 (A) nuclear fuel containing high-assay,  
19 low-enriched uranium; and

20 (B) nuclear reactors that use nuclear fuel  
21 described in subparagraph (A); and

22 (2) plutonium, including—

23 (A) unirradiated nuclear fuel containing  
24 plutonium;

1 (B) nuclear reactors that use nuclear fuel  
 2 described in subparagraph (A); and  
 3 (C) plants and components listed in Ap-  
 4 pendix I of part 110 of title 10, Code of Fed-  
 5 eral Regulations (or successor regulations), that  
 6 are involved in the reprocessing of irradiated  
 7 nuclear reactor fuel elements or the separation  
 8 of plutonium.

9 **TITLE II—EXPANDING NUCLEAR**  
 10 **ENERGY THROUGH AD-**  
 11 **VANCED NUCLEAR TECH-**  
 12 **NOLOGIES**

13 **SEC. 201. ADVANCED NUCLEAR REACTOR PRIZES.**

14 Section 103 of the Nuclear Energy Innovation and  
 15 Modernization Act (Public Law 115–439; 132 Stat. 5571)  
 16 is amended by adding at the end the following:

17 “(f) PRIZES FOR ADVANCED NUCLEAR REACTOR LI-  
 18 CENSING.—

19 “(1) PRIZE FOR ADVANCED NUCLEAR REACTOR  
 20 LICENSING.—

21 “(A) IN GENERAL.—Subject to the avail-  
 22 ability of appropriations, the Secretary is au-  
 23 thorized to make, with respect to each award  
 24 category described in subparagraph (C), an  
 25 award in an amount described in subparagraph

## 14

1 (B) to the first non-Federal entity to which the  
 2 Commission issues—

3 “(i) an operating license for an ad-  
 4 vanced nuclear reactor under part 50 of  
 5 title 10, Code of Federal Regulations (or  
 6 successor regulations), for which an appli-  
 7 cation has not been approved by the Com-  
 8 mission as of the date of enactment of this  
 9 subsection; or

10 “(ii) a finding required under section  
 11 52.103(g) of title 10, Code of Federal Reg-  
 12 ulations (or successor regulations), for a  
 13 combined license for an advanced nuclear  
 14 reactor—

15 “(I) that is issued under subpart  
 16 C of part 52 that title (or successor  
 17 regulations); and

18 “(II) for which an application  
 19 has not been approved by the Com-  
 20 mission as of the date of enactment of  
 21 this subsection.

22 “(B) AMOUNT OF AWARD.—An award  
 23 under subparagraph (A) shall be in an amount  
 24 equal to the total amount assessed by the Com-  
 25 mission and collected under section 102(b)(2)

## 15

1 from the entity receiving the award for costs re-  
2 lating to the issuance of the license described in  
3 that subparagraph, including, as applicable,  
4 costs relating to the issuance of an associated  
5 construction permit described in section 50.23  
6 of title 10, Code of Federal Regulations (or suc-  
7 cessor regulations), or early site permit (as de-  
8 fined in section 52.1 of that title (or successor  
9 regulations)).

10 “(C) AWARD CATEGORIES.—An award  
11 under subparagraph (A) may be made for—

12 “(i) the first advanced nuclear reactor  
13 for which the Commission issues—

14 “(I) a license in accordance with  
15 clause (i) of subparagraph (A); or

16 “(II) a finding in accordance  
17 with clause (ii) of that subparagraph;

18 “(ii) an advanced nuclear reactor  
19 that—

20 “(I) uses isotopes derived from  
21 spent nuclear fuel (as defined in sec-  
22 tion 2 of the Nuclear Waste Policy  
23 Act of 1982 (42 U.S.C. 10101)) or  
24 depleted uranium as fuel for the ad-  
25 vanced nuclear reactor; and



## 16

1 “(II) is the first advanced nu-  
2 clear reactor described in subclause  
3 (I) for which the Commission issues—

4 “(aa) a license in accordance  
5 with clause (i) of subparagraph  
6 (A); or

7 “(bb) a finding in accord-  
8 ance with clause (ii) of that sub-  
9 paragraph; and

10 “(iii) an advanced nuclear reactor  
11 that—

12 “(I) operates flexibly to generate  
13 electricity or high temperature process  
14 heat for nonelectric applications; and

15 “(II) is the first advanced nu-  
16 clear reactor described in subclause  
17 (I) for which the Commission issues—

18 “(aa) a license in accordance  
19 with clause (i) of subparagraph  
20 (A); or

21 “(bb) a finding in accord-  
22 ance with clause (ii) of that sub-  
23 paragraph.

24 “(2) FEDERAL FUNDING LIMITATION.—An  
25 award under this subsection shall not exceed the

1 total amount expended (excluding any expenditures  
 2 made with Federal funds received for the applicable  
 3 project and an amount equal to the minimum cost-  
 4 share required under section 988 of the Energy Pol-  
 5 icy Act of 2005 (42 U.S.C. 16352)) by the entity re-  
 6 ceiving the award for licensing costs relating to the  
 7 project for which the award is made.”.

8 **SEC. 202. REPORT ON UNIQUE LICENSING CONSIDER-**  
 9 **ATIONS RELATING TO THE USE OF NUCLEAR**  
 10 **ENERGY FOR NONELECTRIC APPLICATIONS.**

11 (a) IN GENERAL.—Not later than 1 year after the  
 12 date of enactment of this Act, the Commission shall sub-  
 13 mit to the appropriate committees of Congress a report  
 14 (referred to in this section as the “report”) addressing any  
 15 unique licensing issues or requirements relating to—

16 (1) the flexible operation of nuclear reactors,  
 17 such as ramping power output and switching be-  
 18 tween electricity generation and nonelectric applica-  
 19 tions;

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

22 (3) the colocation of nuclear reactors with in-  
 23 dustrial plants or other facilities.

24 (b) STAKEHOLDER INPUT.—In developing the report,  
 25 the Commission shall seek input from—

## 18

- 1 (1) the Secretary;
- 2 (2) the nuclear energy industry;
- 3 (3) technology developers;
- 4 (4) the industrial, chemical, and medical sec-
- 5 tors;
- 6 (5) nongovernmental organizations; and
- 7 (6) other public stakeholders.

8 (c) CONTENTS.—

- 9 (1) IN GENERAL.—The report shall describe—
- 10 (A) any unique licensing issues or require-
- 11 ments relating to the matters described in para-
- 12 graphs (1) through (3) of subsection (a), in-
- 13 cluding, with respect to the nonelectric applica-
- 14 tions referred to in paragraphs (1) and (2) of
- 15 that subsection, any licensing issues or require-
- 16 ments relating to the use of nuclear energy in—
- 17 (i) hydrogen or other liquid and gas-
- 18 eous fuel or chemical production;
- 19 (ii) water desalination and wastewater
- 20 treatment;
- 21 (iii) heat for industrial processes;
- 22 (iv) district heating;
- 23 (v) energy storage;
- 24 (vi) industrial or medical isotope pro-
- 25 duction; and

19

1 (vii) other applications, as identified  
2 by the Commission;

3 (B) options for addressing those issues or  
4 requirements—

5 (i) within the existing regulatory  
6 framework;

7 (ii) as part of the technology-inclusive  
8 regulatory framework required under sub-  
9 section (a)(4) of section 103 of the Nuclear  
10 Energy Innovation and Modernization Act  
11 (42 U.S.C. 2133 note; Public Law 115–  
12 439) or described in the report required  
13 under subsection (e) of that section (Public  
14 Law 115–439; 132 Stat. 5575); or

15 (iii) through a new rulemaking; and

16 (C) the extent to which Commission action  
17 is needed to implement any matter described in  
18 the report.

19 (2) COST ESTIMATES, BUDGETS, AND TIME-  
20 FRAMES.—The report shall include cost estimates,  
21 proposed budgets, and proposed timeframes for im-  
22 plementing risk-informed and performance-based  
23 regulatory guidance in the licensing of nuclear reac-  
24 tors for nonelectric applications.

1 **SEC. 203. ENABLING PREPARATIONS FOR THE DEMONSTRA-**  
 2 **TION OF ADVANCED NUCLEAR REACTORS ON**  
 3 **DEPARTMENT SITES.**

4 (a) IN GENERAL.—Section 102(b)(1)(B) of the Nu-  
 5 clear Energy Innovation and Modernization Act (42  
 6 U.S.C. 2215(b)(1)(B)) (as amended by section 101(c)) is  
 7 amended by adding at the end the following:

8 “(y) Costs for—

9 “(I) activities to review and ap-  
 10 prove or disapprove an application for  
 11 an early site permit (as defined in sec-  
 12 tion 52.1 of title 10, Code of Federal  
 13 Regulations (or a successor regula-  
 14 tion)) to demonstrate an advanced nu-  
 15 clear reactor on a Department of En-  
 16 ergy site; and

17 “(II) pre-application activities re-  
 18 lating to an early site permit (as so  
 19 defined) to demonstrate an advanced  
 20 nuclear reactor on a Department of  
 21 Energy site.”.

22 (b) EFFECTIVE DATE.—The amendment made by  
 23 subsection (a) shall take effect on October 1, 2021.

1 **TITLE III—PRESERVING EXIST-**  
2 **ING NUCLEAR ENERGY GEN-**  
3 **ERATION**

4 **SEC. 301. NUCLEAR REACTOR INCENTIVES.**

5 (a) DEFINITIONS.—In this section:

6 (1) CERTIFIED NUCLEAR REACTOR.—The term  
7 “certified nuclear reactor” means a nuclear reactor  
8 that—

9 (A) operates in a competitive electricity  
10 market; and

11 (B) is certified under subsection  
12 (c)(2)(A)(i) to submit a sealed bid in accord-  
13 ance with subsection (d).

14 (2) CREDIT.—The term “credit” means a credit  
15 allocated to a certified nuclear reactor under sub-  
16 section (c)(2).

17 (b) ESTABLISHMENT OF PROGRAM.—Subject to the  
18 availability of appropriations, the Administrator, in con-  
19 sultation with the Secretary, shall establish an emissions  
20 avoidance program—

21 (1) to evaluate nuclear reactors that are pro-  
22 jected to cease operations due to economic factors;  
23 and

24 (2) to allocate credits to certified nuclear reac-  
25 tors that are selected under paragraph (1)(B) of

## 22

1 subsection (e) to receive credits under paragraph (2)  
2 of that subsection.

3 (c) CERTIFICATION.—

4 (1) APPLICATION.—

5 (A) IN GENERAL.—In order to be certified  
6 under paragraph (2)(A)(i), the owner or oper-  
7 ator of a nuclear reactor that is projected to  
8 cease operations due to economic factors shall  
9 submit to the Administrator an application at  
10 such time, in such manner, and containing such  
11 information as the Administrator determines to  
12 be appropriate, including—

13 (i) information on the operating costs  
14 necessary to make the examination de-  
15 scribed in paragraph (2)(A)(ii)(II), includ-  
16 ing—

17 (I) the average annual operating  
18 loss per megawatt-hour expected to be  
19 incurred by the nuclear reactor over  
20 the 2-year period for which credits  
21 would be allocated;

22 (II) any private or publicly avail-  
23 able data with respect to current or  
24 projected bulk power market prices;

MAZ20754 TKS

S.L.C.

23

1 (III) out-of-market revenue  
2 streams;

3 (IV) operations and maintenance  
4 costs;

5 (V) capital costs, including fuel;  
6 and

7 (VI) operational and market  
8 risks;

9 (ii) an estimate of the potential incre-  
10 mental emissions of carbon dioxide, nitro-  
11 gen oxides, sulfur oxides, particulate mat-  
12 ter, and hazardous air pollutants that  
13 would result if the nuclear reactor were to  
14 cease operations;

15 (iii) information on the source of re-  
16 covered uranium and the location where  
17 the uranium is converted, enriched, and  
18 fabricated into fuel assemblies for the nu-  
19 clear reactor for the 2-year period for  
20 which credits would be allocated; and

21 (iv) a detailed plan to sustain oper-  
22 ations at the conclusion of the applicable  
23 2-year period for which credits would be  
24 allocated—



## 24

1 (I) without receiving additional  
2 credits; or

3 (II) with the receipt of additional  
4 credits of a lower amount than the  
5 credits allocated during that 2-year  
6 credit period.

7 (B) TIMELINE.—The Administrator shall  
8 accept applications described in subparagraph  
9 (A)—

10 (i) until the date that is 120 days  
11 after the date of enactment of this Act;  
12 and

13 (ii) not less frequently than every 2  
14 years thereafter.

15 (2) DETERMINATION TO CERTIFY.—

16 (A) DETERMINATION.—

17 (i) IN GENERAL.—Not later than 60  
18 days after the applicable date under sub-  
19 paragraph (B) of paragraph (1), the Ad-  
20 ministrator, in consultation with the Sec-  
21 retary, shall determine whether to certify,  
22 in accordance with clauses (ii) and (iii),  
23 each nuclear reactor for which an applica-  
24 tion is submitted under subparagraph (A)  
25 of that paragraph.

## 25

1 (ii) MINIMUM REQUIREMENTS.—To  
2 the maximum extent practicable, the Ad-  
3 ministrator, in consultation with the Sec-  
4 retary, shall only certify a nuclear reactor  
5 under clause (i) if—

6 (I) the nuclear reactor has a  
7 good safety record, as determined by  
8 the Action Matrix of the Commission  
9 or the Performance Indicators of the  
10 Reactor Oversight Process, such that  
11 the nuclear reactor falls under the “li-  
12 censee response” column indicating no  
13 current significant safety issues;

14 (II) after considering the infor-  
15 mation submitted under paragraph  
16 (1)(A)(i), the Administrator deter-  
17 mines that the nuclear reactor is pro-  
18 jected to cease operations due to eco-  
19 nomic factors; and

20 (III) after considering the esti-  
21 mate submitted under paragraph  
22 (1)(A)(ii), the Administrator deter-  
23 mines that emissions of carbon diox-  
24 ide, nitrogen oxides, sulfur oxides,  
25 particulate matter, and hazardous air

## 26

1 pollutants would increase if the nu-  
2 clear reactor were to cease operations  
3 and be replaced with other types of  
4 power generation.

5 (iii) PRIORITY.—In determining  
6 whether to certify a nuclear reactor under  
7 clause (i), the Administrator, in consulta-  
8 tion with the Secretary, shall give priority  
9 to a nuclear reactor that uses uranium  
10 that is recovered, converted, enriched, and  
11 fabricated into fuel assemblies in the  
12 United States.

13 (B) NOTICE.—For each application re-  
14 ceived under paragraph (1)(A), the Adminis-  
15 trator, in consultation with the Secretary, shall  
16 provide to the applicable owner or operator, as  
17 applicable—

18 (i) a notice of the certification of the  
19 applicable nuclear reactor; or

20 (ii) a notice that describes the reasons  
21 why the certification of the applicable nu-  
22 clear reactor was denied.

23 (d) BIDDING PROCESS.—

24 (1) IN GENERAL.—Subject to paragraph (2),  
25 the Administrator shall establish a deadline by which

1 each certified nuclear reactor shall submit to the Ad-  
2 ministrator a sealed bid that—

3 (A) describes the price per megawatt-hour  
4 required to maintain operations of the certified  
5 nuclear reactor during the 2-year period for  
6 which the certified nuclear reactor would receive  
7 credits; and

8 (B) includes a commitment, subject to the  
9 receipt of credits, to provide a specific number  
10 of megawatt-hours of generation during the 2-  
11 year period for which credits would be allocated.

12 (2) REQUIREMENT.—The deadline established  
13 under paragraph (1) shall be not later than 30 days  
14 after the first date on which the Administrator has  
15 made the determination described in paragraph  
16 (2)(A)(i) of subsection (c) with respect to each appli-  
17 cation submitted under paragraph (1)(A) of that  
18 subsection.

19 (e) ALLOCATION.—

20 (1) AUCTION.—The Administrator, in consulta-  
21 tion with the Secretary, shall—

22 (A) in consultation with the heads of appli-  
23 cable Federal agencies, establish a process for  
24 evaluating bids submitted under subsection  
25 (d)(1) through an auction process; and

1 (B) select certified nuclear reactors to be  
2 allocated credits.

3 (2) CREDITS.—Subject to subsection (f)(2), on  
4 selection under paragraph (1), a certified nuclear re-  
5 actor shall be allocated credits for a 2-year period  
6 beginning on the date of the selection.

7 (3) REQUIREMENT.—To the maximum extent  
8 practicable, the Administrator shall use the amounts  
9 made available for credits under this section to allo-  
10 cate credits to as many certified nuclear reactors as  
11 possible.

12 (f) RENEWAL.—

13 (1) IN GENERAL.—The owner or operator of a  
14 certified nuclear reactor may seek to recertify the  
15 nuclear reactor in accordance with this section.

16 (2) LIMITATION.—Notwithstanding any other  
17 provision of this section, the Administrator may not  
18 allocate any credits after September 30, 2026.

19 (g) ADDITIONAL REQUIREMENTS.—

20 (1) AUDIT.—During the 2-year period begin-  
21 ning on the date on which a certified nuclear reactor  
22 first receives a credit, the Administrator, in con-  
23 sultation with the Secretary, shall periodically audit  
24 the certified nuclear reactor.

1           (2) RECAPTURE.—The Administrator shall, by  
2       regulation, provide for the recapture of the alloca-  
3       tion of any credit to a certified nuclear reactor that,  
4       during the period described in paragraph (1)—

5           (A) terminates operations; or

6           (B) does not operate at an annual loss in  
7       the absence of an allocation of credits to the  
8       certified nuclear reactor.

9           (3) CONFIDENTIALITY.—The Administrator, in  
10      consultation with the Secretary, shall establish pro-  
11      cedures to ensure that any confidential, private, pro-  
12      prietary, or privileged information that is included in  
13      a sealed bid submitted under this section is not pub-  
14      licly disclosed or otherwise improperly used.

15      (h) REPORT.—Not later than January 1, 2024, the  
16      Comptroller General of the United States shall submit to  
17      Congress a report with respect to the credits allocated to  
18      certified nuclear reactors, which shall include—

19           (1) an evaluation of the effectiveness of the  
20       credits in avoiding emissions of carbon dioxide, ni-  
21       trogen oxides, sulfur oxides, particulate matter, and  
22       hazardous air pollutants while ensuring grid reli-  
23       ability;

24           (2) a quantification of the ratepayer savings  
25       achieved under this section; and

1           (3) any recommendations to renew or expand  
2     the credits.

3           (i) **AUTHORIZATION OF APPROPRIATIONS.**—There  
4 are authorized to be appropriated such sums as are nec-  
5 essary to carry out this section for each of fiscal years  
6 2021 through 2026.

7 **SEC. 302. REPORT ON LESSONS LEARNED DURING THE**  
8 **COVID-19 PUBLIC HEALTH EMERGENCY.**

9           (a) **IN GENERAL.**—Not later than 180 days after the  
10 date of enactment of this Act, the Commission shall sub-  
11 mit to the appropriate committees of Congress and make  
12 publicly available a report on actions taken by the Com-  
13 mission during the public health emergency declared by  
14 the Secretary of Health and Human Services under sec-  
15 tion 319 of the Public Health Service Act (42 U.S.C.  
16 247d) on January 31, 2020, with respect to COVID-19.

17           (b) **CONTENTS.**—The report under subsection (a)  
18 shall include—

19           (1) an identification of the processes, proce-  
20 dures, and other regulatory policies that were re-  
21 vised or temporarily suspended during the public  
22 health emergency described in subsection (a);

23           (2) a review of actions, if any, taken by the  
24 Commission that examines how any revision or tem-  
25 porary suspension of a process, procedure, or other

## 31

1 regulatory policy identified under paragraph (1) may  
2 or may not have compromised the ability of the  
3 Commission to license and regulate the civilian use  
4 of radioactive materials in the United States to pro-  
5 tect public health and safety, promote the common  
6 defense and security, and protect the environment;

7 (3) a description of any process efficiencies or  
8 challenges that resulted from the matters identified  
9 under paragraph (1);

10 (4) a discussion of lessons learned from the  
11 matters described in paragraphs (1), (2), and (3);

12 (5) a list of actions that the Commission may  
13 take to incorporate into the licensing activities and  
14 regulations of the Commission, without compro-  
15 mising the mission of the Commission—

16 (A) the lessons described in paragraph (4);

17 and

18 (B) the information provided under para-  
19 graphs (2) and (3); and

20 (6) a description of when the actions described  
21 in paragraph (5) may be implemented.

22 **SEC. 303. INVESTMENT BY ALLIES.**

23 (a) IN GENERAL.—The prohibitions against issuing  
24 certain licenses for utilization facilities to certain corpora-  
25 tions and other entities described in the second sentence



1 of section 103 d. of the Atomic Energy Act of 1954 (42  
2 U.S.C. 2133(d)) and the second sentence of section 104  
3 d. of that Act (42 U.S.C. 2134(d)) shall not apply to an  
4 entity described in subsection (b) if the Commission deter-  
5 mines that issuance of the applicable license to that entity  
6 is not inimical to—

7 (1) the common defense and security; or

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

9 (b) ENTITIES DESCRIBED.—An entity referred to in  
10 subsection (a) is a corporation or other entity that is  
11 owned, controlled, or dominated by—

12 (1) the government of—

13 (A) a country that is a member of the  
14 Group of Seven as of November 25, 2020,  
15 which includes the United Kingdom, Germany,  
16 Canada, Japan, France, and Italy; or

17 (B) the Republic of Korea;

18 (2) a corporation that is incorporated in a  
19 country described in subparagraph (A) or (B) of  
20 paragraph (1); or

21 (3) an alien who is a national of a country de-  
22 scribed in subparagraph (A) or (B) of paragraph  
23 (1).

24 (c) TECHNICAL AMENDMENT.—Section 103 d. of the  
25 Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is

1 amended, in the second sentence, by striking “any any”  
 2 and inserting “any”.

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

6 **TITLE IV—REVITALIZING AMER-**  
 7 **ICA’S NUCLEAR SUPPLY**  
 8 **CHAIN INFRASTRUCTURE**

9 **SEC. 401. ADVANCED NUCLEAR FUEL APPROVAL.**

10 (a) AGENCY COORDINATION.—

11 (1) IN GENERAL.—Not later than 1 year after  
 12 the date of enactment of this Act, the Chairman and  
 13 the Secretary shall enter into a memorandum of un-  
 14 derstanding relating to advanced nuclear fuels.

15 (2) MEMORANDUM OF UNDERSTANDING CON-  
 16 TENTS.—The memorandum of understanding en-  
 17 tered into under paragraph (1) shall require the De-  
 18 partment and the Commission to coordinate, as ap-  
 19 propriate—

20 (A) to ensure that the Department has  
 21 sufficient technical expertise to support the  
 22 timely research, development, demonstration,  
 23 and commercial application by the civilian nu-  
 24 clear industry of innovative advanced nuclear  
 25 fuels, including by facilitating the development

## 34

1 and sharing of criticality benchmark data to  
2 support—

3 (i) the licensing of fuel enrichment,  
4 deconversion, and fabrication facilities  
5 for—

6 (I) advanced nuclear fuels con-  
7 taining high-assay, low-enriched ura-  
8 nium with an assay greater than 5  
9 weight percent, but less than 10  
10 weight percent, of the uranium-235  
11 isotope; and

12 (II) advanced nuclear fuels con-  
13 taining high-assay, low-enriched ura-  
14 nium with an assay greater than or  
15 equal to 10 weight percent, but less  
16 than 20 weight percent, of the ura-  
17 nium-235 isotope; and

18 (ii) the certification of transportation  
19 packages for—

20 (I) advanced nuclear fuels con-  
21 taining high-assay, low-enriched ura-  
22 nium with an assay greater than 5  
23 weight percent, but less than 10  
24 weight percent, of the uranium-235  
25 isotope; and

## 35

1 (II) advanced nuclear fuels con-  
2 taining high-assay, low-enriched ura-  
3 nium with an assay greater than or  
4 equal to 10 weight percent, but less  
5 than 20 weight percent, of the ura-  
6 nium-235 isotope;

7 (B) to ensure that the Commission has  
8 sufficient technical expertise to support the  
9 evaluation of advanced nuclear fuels;

10 (C) to identify methods to improve the use  
11 of computers and software codes to calculate  
12 the behavior and performance of advanced nu-  
13 clear fuels based on mathematical models of the  
14 physical behavior of advanced nuclear fuels;

15 (D) to ensure that the Department main-  
16 tains and develops the facilities necessary to en-  
17 able the timely research, development, dem-  
18 onstration, and commercial application by the  
19 civilian nuclear industry of innovative advanced  
20 nuclear fuels; and

21 (E) to ensure that the Commission has ac-  
22 cess to the facilities described in subparagraph  
23 (D), as needed.

24 (b) REPORTING REQUIREMENTS.—Not later than  
25 180 days after the date of enactment of this Act, the Com-

1 mission shall submit to the appropriate committees of  
2 Congress a report that—

3 (1) identifies criticality benchmark data to as-  
4 sist—

5 (A) the licensing of fuel enrichment,  
6 deconversion, and fabrication facilities for—

7 (i) advanced nuclear fuels containing  
8 high-assay, low-enriched uranium with an  
9 assay greater than 5 weight percent, but  
10 less than 10 weight percent, of the ura-  
11 nium-235 isotope; and

12 (ii) advanced nuclear fuels containing  
13 high-assay, low-enriched uranium with an  
14 assay greater than or equal to 10 weight  
15 percent, but less than 20 weight percent,  
16 of the uranium-235 isotope; and

17 (B) the certification of transportation  
18 packages for—

19 (i) advanced nuclear fuels containing  
20 high-assay, low-enriched uranium with an  
21 assay greater than 5 weight percent, but  
22 less than 10 weight percent, of the ura-  
23 nium-235 isotope; and

24 (ii) advanced nuclear fuels containing  
25 high-assay, low-enriched uranium with an

## 37

1 assay greater than or equal to 10 weight  
2 percent, but less than 20 weight percent,  
3 of the uranium-235 isotope;

4 (2) identifies and describes any updates to reg-  
5 ulations, certifications, and other regulatory policies  
6 that the Commission determines are necessary for li-  
7 censing and oversight relating to high-assay, low-en-  
8 riched uranium, including—

9 (A) certifications relating to transportation  
10 packages for—

11 (i) high-assay, low-enriched uranium  
12 with an assay greater than 5 weight per-  
13 cent, but less than 10 weight percent, of  
14 the uranium-235 isotope; and

15 (ii) high-assay, low-enriched uranium  
16 with an assay greater than or equal to 10  
17 weight percent, but less than 20 weight  
18 percent, of the uranium-235 isotope; and

19 (B) licensing of fuel enrichment,  
20 deconversion, and fabrication facilities for high-  
21 assay, low-enriched uranium, and associated  
22 physical security plans for those facilities;

23 (3) identifies and describes any updates to reg-  
24 ulations, certifications, and other regulatory policies

1 that the Commission determines are necessary to ad-  
2 dress nuclear nonproliferation considerations that—

3 (A) are within the mission of the Commis-  
4 sion; and

5 (B) are associated with—

6 (i) high-assay, low-enriched uranium  
7 with an assay greater than 5 weight per-  
8 cent, but less than 10 weight percent, of  
9 the uranium-235 isotope; or

10 (ii) high-assay, low-enriched uranium  
11 with an assay greater than or equal to 10  
12 weight percent, but less than 20 weight  
13 percent, of the uranium-235 isotope;

14 (4) identifies and describes—

15 (A) any data needs, regulatory require-  
16 ments, or policies identified under paragraph  
17 (1), (2), or (3) that—

18 (i) differ based on whether they are  
19 related to—

20 (I) high-assay, low-enriched ura-  
21 nium with an assay greater than 5  
22 weight percent, but less than 10  
23 weight percent, of the uranium-235  
24 isotope; or

39

1 (II) high-assay, low-enriched ura-  
2 nium with an assay greater than or  
3 equal to 10 weight percent, but less  
4 than 20 weight percent, of the ura-  
5 nium-235 isotope; or

6 (ii) are unique to—

7 (I) high-assay, low-enriched ura-  
8 nium with an assay greater than 5  
9 weight percent, but less than 10  
10 weight percent, of the uranium-235  
11 isotope; or

12 (II) high-assay, low-enriched ura-  
13 nium with an assay greater than or  
14 equal to 10 weight percent, but less  
15 than 20 weight percent, of the ura-  
16 nium-235 isotope;

17 (B) the manner in which the data needs,  
18 regulatory requirements, or policies identified  
19 under subparagraph (A)(i) differ as described  
20 in that subparagraph; and

21 (C) the extent to which the data needs,  
22 regulatory requirements, or policies identified  
23 under subparagraph (A)(ii) are unique to ei-  
24 ther—



40

1 (i) high-assay, low-enriched uranium  
2 with an assay greater than 5 weight per-  
3 cent, but less than 10 weight percent, of  
4 the uranium-235 isotope; or

5 (ii) high-assay, low-enriched uranium  
6 with an assay greater than or equal to 10  
7 weight percent, but less than 20 weight  
8 percent, of the uranium-235 isotope; and

9 (5) includes a timeline for completing the up-  
10 dates described in paragraphs (2) and (3) within the  
11 existing regulatory framework.

12 **SEC. 402. NATIONAL STRATEGIC URANIUM RESERVE.**

13 (a) DEFINITIONS.—In this section:

14 (1) PROGRAM.—The term “program” means  
15 the program established under subsection (b)(1).

16 (2) URANIUM RESERVE.—The term “Uranium  
17 Reserve” means the uranium reserve operated pur-  
18 suant to the program.

19 (b) ESTABLISHMENT.—

20 (1) IN GENERAL.—Not later than 60 days after  
21 the date of enactment of this Act, the Secretary,  
22 subject to the availability of appropriations, shall es-  
23 tablish a program to operate a uranium reserve in  
24 accordance with this section.

1           (2) **AUTHORITY.**—In establishing the program  
2           and operating the Uranium Reserve, the Secretary  
3           shall use the authority granted to the Secretary by  
4           sections 53, 63, and 161 g. of the Atomic Energy  
5           Act of 1954 (42 U.S.C. 2073, 2093, 2201(g)).

6           (c) **PURPOSES.**—The purposes of the Uranium Re-  
7           serve are—

8           (1) to provide assurance of the availability of  
9           uranium recovered in the United States in the event  
10          of a market disruption; and

11          (2) to support strategic fuel cycle capabilities in  
12          the United States.

13          (d) **EXCLUSION.**—The Secretary shall exclude from  
14          the Uranium Reserve uranium that is recovered in the  
15          United States by an entity that—

16               (1) is owned or controlled by the Government of  
17               the Russian Federation or the Government of the  
18               People's Republic of China; or

19               (2) is organized under the laws of, or otherwise  
20               subject to the jurisdiction of, the Russian Federation  
21               or the People's Republic of China.

22          (e) **ACQUISITION.**—

23               (1) **IN GENERAL.**—The Secretary may acquire  
24               for the Uranium Reserve only uranium recovered  
25               from a facility described in paragraph (2), including,

1 subject to paragraph (3), uranium ore that has been  
2 mined.

3 (2) FACILITIES DESCRIBED.—A facility referred  
4 to in paragraph (1) is a facility that—

5 (A)(i) is licensed by the Commission as of  
6 the date of enactment of this Act;

7 (ii) is not located on Tribal land; and

8 (iii) is not the subject of an enforcement  
9 action that—

10 (I) was taken—

11 (aa) in response to a violation of  
12 a regulation in part 40 of title 10,  
13 Code of Federal Regulations (or suc-  
14 cessor regulations); and

15 (bb) during the 1-year period  
16 ending on the date on which the ura-  
17 nium is acquired for the Uranium Re-  
18 serve; and

19 (II) was characterized as “escalated  
20 enforcement”; or

21 (B)(i) as of the date of enactment of this  
22 Act, is licensed by a State that has entered into  
23 an agreement with the Commission under sec-  
24 tion 274 b. of the Atomic Energy Act of 1954  
25 (42 U.S.C. 2021(b));

43

1 (ii) is not located on Tribal land; and

2 (iii) is not the subject of an enforcement  
3 action that—

4 (I) was taken—

5 (aa) in response to a violation of  
6 an applicable State requirement that  
7 is compatible with the regulations of  
8 the Commission in part 40 of title 10,  
9 Code of Federal Regulations (or suc-  
10 cessor regulations); and

11 (bb) during the 1-year period  
12 ending on the date on which the ura-  
13 nium is acquired for the Uranium Re-  
14 serve; and

15 (II) was subject to further administra-  
16 tive actions, further orders, or the equiva-  
17 lent of further administrative actions or or-  
18 ders that, alone or in combination, are  
19 equivalent to an enforcement action of the  
20 Commission that would be characterized as  
21 “escalated enforcement” by the Commis-  
22 sion, as described in subparagraph  
23 (A)(iii)(II).

24 (3) REQUIREMENT.—

## 44

1 (A) IN GENERAL.—Except as provided in  
2 subparagraph (B), with respect to any uranium  
3 ore acquired by a facility described in para-  
4 graph (2) that has been mined, the Secretary  
5 may acquire for the Uranium Reserve only ura-  
6 nium extracted from a conventional mine that  
7 is not located on—

8 (i) Tribal land;

9 (ii) land located within the outer  
10 boundaries of the parcels of land described  
11 in Public Land Order 7787 (77 Fed. Reg.  
12 2563 (January 18, 2012)); or

13 (iii) Federal land that, as of October  
14 1, 2020, is permanently withdrawn from  
15 location and entry under sections 2319  
16 through 2344 of the Revised Statutes  
17 (commonly known as the “Mining Law of  
18 1872”) (30 U.S.C. 22 et seq.).

19 (B) REMOVAL AND REMEDIAL ACTIONS.—  
20 The Secretary may acquire for the Uranium  
21 Reserve uranium recovered from material ob-  
22 tained as a result of removal or remedial ac-  
23 tions carried out on abandoned mine land lo-  
24 cated on Tribal land.

1 (f) REQUEST FOR INFORMATION.—Not later than 90  
2 days after the date of enactment of this Act, the Secretary  
3 shall publish a request for information to help the Sec-  
4 retary evaluate—

5 (1) options for the operation and management  
6 of the Uranium Reserve;

7 (2) contractual mechanisms pursuant to which  
8 the Secretary could acquire uranium; and

9 (3) the quantities, form, transportation, and  
10 storage of uranium in the Uranium Reserve.

11 (g) BUDGET REQUEST.—For each fiscal year begin-  
12 ning after the date of enactment of this Act, the Secretary  
13 shall include in the budget justification submitted to Con-  
14 gress pursuant to section 1105 of title 31, United States  
15 Code—

16 (1) a request for amounts for the acquisition,  
17 transportation, and storage of uranium in the Ura-  
18 nium Reserve; or

19 (2) an explanation of why amounts are not re-  
20 quested for the acquisition, transportation, or stor-  
21 age of uranium in the Uranium Reserve.

1 **SEC. 403. REPORT ON ADVANCED METHODS OF MANUFAC-**  
2 **TURING AND CONSTRUCTION FOR NUCLEAR**  
3 **ENERGY APPLICATIONS.**

4 (a) IN GENERAL.—Not later than 180 days after the  
5 date of enactment of this Act, the Commission shall sub-  
6 mit to the appropriate committees of Congress a report  
7 (referred to in this subsection as the “report”) on manu-  
8 facturing and construction for nuclear energy applications.

9 (b) STAKEHOLDER INPUT.—In developing the report,  
10 the Commission shall seek input from—

- 11 (1) the Secretary;
- 12 (2) the nuclear energy industry;
- 13 (3) National Laboratories;
- 14 (4) institutions of higher education;
- 15 (5) nuclear and manufacturing technology de-  
16 velopers;
- 17 (6) the manufacturing and construction indus-  
18 tries;
- 19 (7) standards development organizations;
- 20 (8) labor unions;
- 21 (9) nongovernmental organizations; and
- 22 (10) other public stakeholders.

23 (c) CONTENTS.—

24 (1) IN GENERAL.—The report shall—

25 (A) examine any unique licensing issues or  
26 requirements relating to the use of innovative—

## 47

- 1 (i) advanced manufacturing processes;  
2 and  
3 (ii) advanced construction techniques;  
4 (B) examine—  
5 (i) the requirements for nuclear-grade  
6 components in manufacturing and con-  
7 struction for nuclear energy applications;  
8 (ii) opportunities to use standard ma-  
9 terials, parts, or components in manufac-  
10 turing and construction for nuclear energy  
11 applications; and  
12 (iii) opportunities to use standard ma-  
13 terials that are in compliance with existing  
14 codes to provide acceptable approaches to  
15 support or encapsulate new materials that  
16 do not yet have applicable codes;  
17 (C) identify any safety aspects of innova-  
18 tive advanced manufacturing processes and ad-  
19 vanced construction techniques that are not ad-  
20 dressed by existing codes and standards, so that  
21 generic guidance may be updated or created, as  
22 necessary;  
23 (D) identify options for addressing the  
24 issues, requirements, and opportunities exam-  
25 ined under subparagraphs (A) and (B)—



48

1 (i) within the existing regulatory  
2 framework; or

3 (ii) through a new rulemaking; and

4 (E) describe the extent to which Commis-  
5 sion action is needed to implement any matter  
6 described in the report.

7 (2) COST ESTIMATES, BUDGETS, AND TIME-  
8 FRAMES.—The report shall include cost estimates,  
9 proposed budgets, and proposed timeframes for im-  
10 plementing risk-informed and performance-based  
11 regulatory guidance for manufacturing and construc-  
12 tion for nuclear energy applications.

### 13 **TITLE V—MISCELLANEOUS**

#### 14 **SEC. 501. NUCLEAR ENERGY WORKFORCE DEVELOPMENT.**

15 Section 313 of division C of the Omnibus Appropria-  
16 tions Act, 2009 (42 U.S.C. 16274a) is amended—

17 (1) in subsection (b), in the matter preceding  
18 paragraph (1), by striking “in each of fiscal years  
19 2009 to 2019” and inserting “for each of fiscal  
20 years 2021 through 2030,”; and

21 (2) by adding at the end the following:

22 “(d) NUCLEAR ENERGY TRAINEESHIP SUBPRO-  
23 GRAM.—

24 “(1) DEFINITIONS.—In this subsection:

1           “(A) COMMISSION.—The term ‘Commis-  
2           sion’ means the Nuclear Regulatory Commis-  
3           sion.

4           “(B) INSTITUTION OF HIGHER EDU-  
5           CATION.—The term ‘institution of higher edu-  
6           cation’ has the meaning given the term in sec-  
7           tion 101(a) of the Higher Education Act of  
8           1965 (20 U.S.C. 1001(a)).

9           “(C) NATIONAL LABORATORY.—The term  
10          ‘National Laboratory’ has the meaning given  
11          the term in section 2 of the Energy Policy Act  
12          of 2005 (42 U.S.C 15801).

13          “(2) ESTABLISHMENT.—The Commission shall  
14          establish, as a subprogram of the Integrated Univer-  
15          sity Program established under this section, a work-  
16          force development subprogram under which the  
17          Commission, in coordination with institutions of  
18          higher education and trade schools, shall competi-  
19          tively award traineeships that provide focused train-  
20          ing to meet critical mission needs of the Commission  
21          and nuclear workforce needs, including needs relat-  
22          ing to—

23                 “(A) nuclear criticality safety; and

24                 “(B) the nuclear tradeecraft workforce.

1           “(3) REQUIREMENTS.—In carrying out the  
2 workforce development program described in para-  
3 graph (2), the Commission shall—

4           “(A) coordinate with the Secretary to  
5 prioritize the funding of traineeships that focus  
6 on—

7           “(i) nuclear workforce needs; and  
8           “(ii) critical mission needs of the  
9 Commission;

10          “(B) encourage appropriate partnerships  
11 among—

12           “(i) National Laboratories;  
13           “(ii) institutions of higher education;  
14           “(iii) trade schools; and  
15           “(iv) the nuclear energy industry; and

16          “(C) on an annual basis, evaluate nuclear  
17 workforce needs for the purpose of imple-  
18 menting traineeships in focused topical areas  
19 that—

20           “(i) address the workforce needs of  
21 that community; and

22           “(ii) support critical mission needs of  
23 the Commission.”.

## 51

1 **SEC. 502. ANNUAL REPORT ON THE SPENT NUCLEAR FUEL**  
2 **AND HIGH-LEVEL RADIOACTIVE WASTE IN-**  
3 **VENTORY IN THE UNITED STATES.**

4 (a) DEFINITIONS.—In this section:

5 (1) HIGH-LEVEL RADIOACTIVE WASTE.—The  
6 term “high-level radioactive waste” has the meaning  
7 given the term in section 2 of the Nuclear Waste  
8 Policy Act of 1982 (42 U.S.C. 10101).

9 (2) SPENT NUCLEAR FUEL.—The term “spent  
10 nuclear fuel” has the meaning given the term in sec-  
11 tion 2 of the Nuclear Waste Policy Act of 1982 (42  
12 U.S.C. 10101).

13 (3) STANDARD CONTRACT.—The term “stand-  
14 ard contract” has the meaning given the term “con-  
15 tract” in section 961.3 of title 10, Code of Federal  
16 Regulations (or a successor regulation).

17 (b) REPORT.—Not later than January 1, 2022, and  
18 annually thereafter, the Secretary shall submit to Con-  
19 gress a report that describes—

20 (1) the annual and cumulative amount of pay-  
21 ments made by the United States to the holder of  
22 a standard contract due to a partial breach of con-  
23 tract under the Nuclear Waste Policy Act of 1982  
24 (42 U.S.C. 10101 et seq.) resulting in financial  
25 damages to the holder;

1           (2) the amount spent by the Department to re-  
2       duce future payments projected to be made by the  
3       United States to any holder of a standard contract  
4       due to a partial breach of contract under the Nu-  
5       clear Waste Policy Act of 1982 (42 U.S.C. 10101 et  
6       seq.);

7           (3) the cumulative amount spent by the Depart-  
8       ment to store, manage, and dispose of spent nuclear  
9       fuel and high-level radioactive waste in the United  
10      States as of the date of the report;

11          (4) the projected lifecycle costs to store, man-  
12      age, transport, and dispose of the projected inven-  
13      tory of spent nuclear fuel and high-level radioactive  
14      waste in the United States, including spent nuclear  
15      fuel and high-level radioactive waste expected to be  
16      generated from existing reactors through 2050;

17          (5) any mechanisms for better accounting of li-  
18      abilities for the lifecycle costs of the spent nuclear  
19      fuel and high-level radioactive waste inventory in the  
20      United States; and

21          (6) any recommendations for improving the  
22      methods used by the Department for the accounting  
23      of spent nuclear fuel and high-level radioactive waste  
24      costs and liabilities.

1 **SEC. 503. AUTHORIZATION OF APPROPRIATIONS FOR**  
 2 **SUPERFUND ACTIONS AT ABANDONED MIN-**  
 3 **ING SITES ON TRIBAL LAND.**

4 (a) DEFINITIONS.—In this section:

5 (1) ELIGIBLE NON-NPL SITE.—The term “eli-  
 6 gible non-NPL site” means a site that—

7 (A) is not on the National Priorities List;  
 8 but

9 (B) the Administrator determines would be  
 10 eligible for listing on the National Priorities  
 11 List based on the presence of hazards from con-  
 12 tamination at the site, applying the hazard  
 13 ranking system described in section 105(e) of  
 14 the Comprehensive Environmental Response,  
 15 Compensation, and Liability Act of 1980 (42  
 16 U.S.C. 9605(e)).

17 (2) INDIAN TRIBE.—The term “Indian Tribe”  
 18 has the meaning given the term “Indian tribe” in  
 19 section 101 of the Comprehensive Environmental  
 20 Response, Compensation, and Liability Act of 1980  
 21 (42 U.S.C. 9601).

22 (3) NATIONAL PRIORITIES LIST.—The term  
 23 “National Priorities List” means the National Prior-  
 24 ities List developed by the President in accordance  
 25 with section 105(a)(8)(B) of the Comprehensive En-

54

1 vironmental Response, Compensation, and Liability  
 2 Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
 4 are authorized to be appropriated for each of fiscal years  
 5 2021 through 2030, to remain available until expended—

6 (1) \$97,000,000 to the Administrator to carry  
 7 out this section (except for subsection (d)); and

8 (2) \$3,000,000 to the Administrator of the  
 9 Agency for Toxic Substances and Disease Registry  
 10 to carry out subsection (d).

11 (c) USES OF AMOUNTS.—Amounts appropriated  
 12 under subsection (b)(1) shall be used by the Adminis-  
 13 trator—

14 (1) to carry out removal actions on abandoned  
 15 mine land located on Tribal land;

16 (2) to carry out remedial actions on abandoned  
 17 mine land located on Tribal land at—

18 (A) eligible non-NPL sites; and

19 (B) sites listed on the National Priorities  
 20 List; and

21 (3) to make grants under subsection (e).

22 (d) HEALTH ASSESSMENTS.—Subject to the avail-  
 23 ability of appropriations, the Agency for Toxic Substances  
 24 and Disease Registry, in coordination with Tribal health  
 25 authorities, shall perform 1 or more health assessments

1 at each eligible non-NPL site that is located on Tribal  
2 land.

3 (e) GRANTS FOR TECHNICAL ASSISTANCE.—

4 (1) IN GENERAL.—The Administrator may use  
5 amounts appropriated under subsection (b)(1) to  
6 make grants to Indian Tribes on whose land is lo-  
7 cated an eligible non-NPL site.

8 (2) USE OF GRANT FUNDS.—A grant under  
9 paragraph (1) shall be used in accordance with the  
10 second sentence of section 117(e)(1) of the Com-  
11 prehensive Environmental Response, Compensation,  
12 and Liability Act of 1980 (42 U.S.C. 9617(e)(1)).

13 (3) LIMITATIONS.—A grant under paragraph  
14 (1) shall be governed by the rules, procedures, and  
15 limitations described in section 117(e)(2) of the  
16 Comprehensive Environmental Response, Compensa-  
17 tion, and Liability Act of 1980 (42 U.S.C.  
18 9617(e)(2)), except that—

19 (A) “Administrator of the Environmental  
20 Protection Agency” shall be substituted for  
21 “President” each place it appears in that sec-  
22 tion; and

23 (B) in the first sentence of that section,  
24 “under section 503 of the American Nuclear In-



1           frastructure Act of 2020” shall be substituted  
2           for “under this subsection”.

3       (f) STATUTE OF LIMITATIONS.—If a remedial action  
4 described in subsection (c)(2) is scheduled at an eligible  
5 non-NPL site, no action may be commenced for damages  
6 (as defined in section 101 of the Comprehensive Environ-  
7 mental Response, Compensation, and Liability Act of  
8 1980 (42 U.S.C. 9601)) with respect to that eligible non-  
9 NPL site unless the action is commenced within the time-  
10 frame provided for such actions with respect to facilities  
11 on the National Priorities List in the first sentence of the  
12 matter following subparagraph (B) of section 113(g)(1)  
13 of that Act (42 U.S.C. 9613(g)(1)).

14       (g) COORDINATION.—The Administrator shall coordi-  
15 nate with the Indian Tribe on whose land the applicable  
16 site is located in—

- 17           (1) selecting and prioritizing sites for removal
- 18           actions and remedial actions under paragraphs (1)
- 19           and (2) of subsection (c); and
- 20           (2) carrying out those removal actions and re-
- 21           medial actions.

22 **SEC. 504. NUCLEAR CLOSURE COMMUNITIES.**

23       (a) DEFINITIONS.—In this section:

- 24           (1) COMMUNITY ADVISORY BOARD.—The term
- 25           “community advisory board” means a community

1 committee or other advisory organization that aims  
2 to foster communication and information exchange  
3 between a licensee planning for and involved in de-  
4 commissioning activities and members of the com-  
5 munity that decommissioning activities may affect.

6 (2) DECOMMISSION.—The term “decommis-  
7 sion” has the meaning given the term in section  
8 50.2 of title 10, Code of Federal Regulations (or  
9 successor regulations).

10 (3) ELIGIBLE RECIPIENT.—The term “eligible  
11 recipient” has the meaning given the term in section  
12 3 of the Public Works and Economic Development  
13 Act of 1965 (42 U.S.C. 3122).

14 (4) LICENSEE.—The term “licensee” has the  
15 meaning given the term in section 50.2 of title 10,  
16 Code of Federal Regulations (or successor regula-  
17 tions).

18 (5) NUCLEAR CLOSURE COMMUNITY.—The  
19 term “nuclear closure community” means a unit of  
20 local government, including a county, city, town, vil-  
21 lage, school district, or special district that has been  
22 impacted, or reasonably demonstrates to the satis-  
23 faction of the Secretary, that it will be impacted, by  
24 a nuclear power plant licensed by the Commission  
25 that has ceased operation or has provided a written

1 notification to the Commission that it will cease op-  
2 erations as of the date of enactment of this Act.

3 (6) SECRETARY.—The term “Secretary” means  
4 the Secretary of Commerce, acting through the As-  
5 sistant Secretary of Commerce for Economic Devel-  
6 opment.

7 (b) ESTABLISHMENT.—Not later than 180 days after  
8 the date of enactment of this Act, the Secretary shall es-  
9 tablish a grant program to provide grants to eligible re-  
10 cipients—

11 (1) to assist with economic development in nu-  
12 clear closure communities; and

13 (2) to fund community advisory boards in nu-  
14 clear closure communities.

15 (c) REQUIREMENT.—In carrying out this section, to  
16 the maximum extent practicable, the Secretary shall im-  
17 plement the recommendations described in the report sub-  
18 mitted to Congress under section 108 of the Nuclear En-  
19 ergy Innovation and Modernization Act (Public Law 115-  
20 439; 132 Stat. 5577) entitled “Best Practices for Estab-  
21 lishment and Operation of Local Community Advisory  
22 Boards Associated with Decommissioning Activities at  
23 Nuclear Power Plants”.

24 (d) DISTRIBUTION OF FUNDS.—The Secretary shall  
25 establish a formula to ensure, to the maximum extent

1 practicable, geographic diversity among grant recipients  
2 under this section.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There are authorized to be  
5 appropriated to the Secretary—

6 (A) to carry out subsection (b)(1),  
7 \$30,000,000 for each of fiscal years 2021  
8 through 2026; and

9 (B) to carry out subsection (b)(2),  
10 \$5,000,000 for each of fiscal years 2021  
11 through 2023.

12 (2) AVAILABILITY.—Amounts made available  
13 under this section shall remain available for a period  
14 of 5 years beginning on the date on which the  
15 amounts are made available.

16 (3) NO OFFSET.—None of the funds made  
17 available under this section may be used to offset  
18 the funding for any other Federal program.

19 **SEC. 505. REPORT ON CORPORATE SUPPORT.**

20 Not later than 180 days after the date of enactment  
21 of this Act, the Commission shall submit to the appro-  
22 priate committees of Congress and make publicly available  
23 a report that describes—

1 (1) the progress on the implementation of sec-  
 2 tion 102(a)(3) of the Nuclear Energy Innovation  
 3 and Modernization Act (42 U.S.C. 2215(a)(3)); and

4 (2) whether the Commission is meeting and is  
 5 expected to meet the total budget authority caps re-  
 6 quired for corporate support under that section.

7 **SEC. 506. TECHNICAL CORRECTION.**

8 Section 104 c. of the Atomic Energy Act of 1954 (42  
 9 U.S.C. 2134(c)) is amended—

10 (1) by striking the third sentence and inserting  
 11 the following:

12 “(3) LIMITATION ON UTILIZATION FACILI-  
 13 TIES.—The Commission may issue a license under  
 14 this section for a utilization facility useful in the  
 15 conduct of research and development activities of the  
 16 types specified in section 31 if—

17 “(A) not more than 75 percent of the an-  
 18 nual costs to the licensee of owning and oper-  
 19 ating the facility are devoted to the sale, other  
 20 than for research and development or education  
 21 and training, of—

22 “(i) nonenergy services;

23 “(ii) energy; or

24 “(iii) a combination of nonenergy  
 25 services and energy; and

## 61

1           “(B) not more than 50 percent of the an-  
2           nual costs to the licensee of owning and oper-  
3           ating the facility are devoted to the sale of en-  
4           ergy.”;

5           (2) in the second sentence, by striking “The  
6           Commission” and inserting the following:

7           “(2) REGULATION.—The Commission”; and

8           (3) by striking “c. The Commission” and in-  
9           serting the following:

10          “c. RESEARCH AND DEVELOPMENT ACTIVITIES.—

11          “(1) IN GENERAL.—Subject to paragraphs (2)  
12          and (3), the Commission”.

MAZ20760 2F8

*Ben Cardin*  
S.L.C.

*S. 4897, CARDIN #1*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To extend the period for nuclear reactor incentives to 4 years.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

**S. 4897**

To reestablish United States global leadership in nuclear energy, revitalize domestic nuclear energy supply chain infrastructure, support the licensing of advanced nuclear technologies, and improve the regulation of nuclear energy, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CARDIN

Viz:

1 Strike section 301 and insert the following:

2 **SEC. 301. NUCLEAR REACTOR INCENTIVES.**

3 (a) DEFINITIONS.—In this section:

4 (1) CERTIFIED NUCLEAR REACTOR.—The term

5 “certified nuclear reactor” means a nuclear reactor

6 that—

7 (A) operates in a competitive electricity

8 market; and

## 2

1 (B) is certified under subsection  
2 (c)(2)(A)(i) to submit a sealed bid in accord-  
3 ance with subsection (d).

4 (2) CREDIT.—The term “credit” means a credit  
5 allocated to a certified nuclear reactor under sub-  
6 section (e)(2).

7 (b) ESTABLISHMENT OF PROGRAM.—Subject to the  
8 availability of appropriations, the Administrator, in con-  
9 sultation with the Secretary, shall establish an emissions  
10 avoidance program—

11 (1) to evaluate nuclear reactors that are pro-  
12 jected to cease operations due to economic factors;  
13 and

14 (2) to allocate credits to certified nuclear reac-  
15 tors that are selected under paragraph (1)(B) of  
16 subsection (e) to receive credits under paragraph (2)  
17 of that subsection.

18 (c) CERTIFICATION.—

19 (1) APPLICATION.—

20 (A) IN GENERAL.—In order to be certified  
21 under paragraph (2)(A)(i), the owner or oper-  
22 ator of a nuclear reactor that is projected to  
23 cease operations due to economic factors shall  
24 submit to the Administrator an application at  
25 such time, in such manner, and containing such



## 3

1 information as the Administrator determines to  
2 be appropriate, including—

3 (i) information on the operating costs  
4 necessary to make the examination de-  
5 scribed in paragraph (2)(A)(ii)(II), includ-  
6 ing—

7 (I) the average annual operating  
8 loss per megawatt-hour expected to be  
9 incurred by the nuclear reactor over  
10 the 4-year period for which credits  
11 would be allocated;

12 (II) any private or publicly avail-  
13 able data with respect to current or  
14 projected bulk power market prices;

15 (III) out-of-market revenue  
16 streams;

17 (IV) operations and maintenance  
18 costs;

19 (V) capital costs, including fuel;  
20 and

21 (VI) operational and market  
22 risks;

23 (ii) an estimate of the potential incre-  
24 mental emissions of carbon dioxide, nitro-  
25 gen oxides, sulfur oxides, particulate mat-

4

1 ter, and hazardous air pollutants that  
2 would result if the nuclear reactor were to  
3 cease operations;

4 (iii) information on the source of re-  
5 covered uranium and the location where  
6 the uranium is converted, enriched, and  
7 fabricated into fuel assemblies for the nu-  
8 clear reactor for the 4-year period for  
9 which credits would be allocated; and

10 (iv) a detailed plan to sustain oper-  
11 ations at the conclusion of the applicable  
12 4-year period for which credits would be  
13 allocated—

14 (I) without receiving additional  
15 credits; or

16 (II) with the receipt of additional  
17 credits of a lower amount than the  
18 credits allocated during that 4-year  
19 credit period.

20 (B) **TIMELINE.**—The Administrator shall  
21 accept applications described in subparagraph  
22 (A)—

23 (i) until the date that is 120 days  
24 after the date of enactment of this Act;  
25 and

## 5

1 (ii) not less frequently than every year  
2 thereafter.

3 (2) DETERMINATION TO CERTIFY.—

4 (A) DETERMINATION.—

5 (i) IN GENERAL.—Not later than 60  
6 days after the applicable date under sub-  
7 paragraph (B) of paragraph (1), the Ad-  
8 ministrator, in consultation with the Sec-  
9 retary, shall determine whether to certify,  
10 in accordance with clauses (ii) and (iii),  
11 each nuclear reactor for which an applica-  
12 tion is submitted under subparagraph (A)  
13 of that paragraph.

14 (ii) MINIMUM REQUIREMENTS.—To  
15 the maximum extent practicable, the Ad-  
16 ministrator, in consultation with the Sec-  
17 retary, shall only certify a nuclear reactor  
18 under clause (i) if—

19 (I) the nuclear reactor has a  
20 good safety record, as determined by  
21 the Action Matrix of the Commission  
22 or the Performance Indicators of the  
23 Reactor Oversight Process, such that  
24 the nuclear reactor falls under the “li-

## 6

1 censee response" column indicating no  
2 current significant safety issues;

3 (II) after considering the infor-  
4 mation submitted under paragraph  
5 (1)(A)(i), the Administrator deter-  
6 mines that the nuclear reactor is pro-  
7 jected to cease operations due to eco-  
8 nomic factors; and

9 (III) after considering the esti-  
10 mate submitted under paragraph  
11 (1)(A)(ii), the Administrator deter-  
12 mines that emissions of carbon diox-  
13 ide, nitrogen oxides, sulfur oxides,  
14 particulate matter, and hazardous air  
15 pollutants would increase if the nu-  
16 clear reactor were to cease operations  
17 and be replaced with other types of  
18 power generation.

19 (iii) PRIORITY.—In determining  
20 whether to certify a nuclear reactor under  
21 clause (i), the Administrator, in consulta-  
22 tion with the Secretary, shall give priority  
23 to a nuclear reactor that uses uranium  
24 that is recovered, converted, enriched, and

## 7

1           fabricated into fuel assemblies in the  
2           United States.

3           (B) NOTICE.—For each application re-  
4           ceived under paragraph (1)(A), the Adminis-  
5           trator, in consultation with the Secretary, shall  
6           provide to the applicable owner or operator, as  
7           applicable—

8                   (i) a notice of the certification of the  
9                   applicable nuclear reactor; or

10                   (ii) a notice that describes the reasons  
11           why the certification of the applicable nu-  
12           clear reactor was denied.

13       (d) BIDDING PROCESS.—

14           (1) IN GENERAL.—Subject to paragraph (2),  
15       the Administrator shall establish a deadline by which  
16       each certified nuclear reactor shall submit to the Ad-  
17       ministrator a sealed bid that—

18                   (A) describes the price per megawatt-hour  
19           required to maintain operations of the certified  
20           nuclear reactor during the 4-year period for  
21           which the certified nuclear reactor would receive  
22           credits; and

23                   (B) includes a commitment, subject to the  
24           receipt of credits, to provide a specific number

## 8

1 of megawatt-hours of generation during the 4-  
2 year period for which credits would be allocated.

3 (2) REQUIREMENT.—The deadline established  
4 under paragraph (1) shall be not later than 30 days  
5 after the first date on which the Administrator has  
6 made the determination described in paragraph  
7 (2)(A)(i) of subsection (c) with respect to each appli-  
8 cation submitted under paragraph (1)(A) of that  
9 subsection.

10 (e) ALLOCATION.—

11 (1) AUCTION.—The Administrator, in consulta-  
12 tion with the Secretary, shall—

13 (A) in consultation with the heads of appli-  
14 cable Federal agencies, establish a process for  
15 evaluating bids submitted under subsection  
16 (d)(1) through an auction process; and

17 (B) select certified nuclear reactors to be  
18 allocated credits.

19 (2) CREDITS.—Subject to subsection (f)(2), on  
20 selection under paragraph (1), a certified nuclear re-  
21 actor shall be allocated credits for a 4-year period  
22 beginning on the date of the selection.

23 (3) REQUIREMENT.—To the maximum extent  
24 practicable, the Administrator shall use the amounts  
25 made available for credits under this section to allo-

1     cate credits to as many certified nuclear reactors as  
2     possible.

3     (f) RENEWAL.—

4         (1) IN GENERAL.—The owner or operator of a  
5     certified nuclear reactor may seek to recertify the  
6     nuclear reactor in accordance with this section.

7         (2) LIMITATION.—Notwithstanding any other  
8     provision of this section, the Administrator may not  
9     allocate any credits after September 30, 2026.

10    (g) ADDITIONAL REQUIREMENTS.—

11         (1) AUDIT.—During the 4-year period begin-  
12     ning on the date on which a certified nuclear reactor  
13     first receives a credit, the Administrator, in con-  
14     sultation with the Secretary, shall periodically audit  
15     the certified nuclear reactor.

16         (2) RECAPTURE.—The Administrator shall, by  
17     regulation, provide for the recapture of the alloca-  
18     tion of any credit to a certified nuclear reactor that,  
19     during the period described in paragraph (1)—

20             (A) terminates operations; or

21             (B) does not operate at an annual loss in  
22     the absence of an allocation of credits to the  
23     certified nuclear reactor.

24         (3) CONFIDENTIALITY.—The Administrator, in  
25     consultation with the Secretary, shall establish pro-

## 10

1 cedures to ensure that any confidential, private, pro-  
2 prietary, or privileged information that is included in  
3 a sealed bid submitted under this section is not pub-  
4 licly disclosed or otherwise improperly used.

5 (h) REPORT.—Not later than January 1, 2024, the  
6 Comptroller General of the United States shall submit to  
7 Congress a report with respect to the credits allocated to  
8 certified nuclear reactors, which shall include—

9 (1) an evaluation of the effectiveness of the  
10 credits in avoiding emissions of carbon dioxide, ni-  
11 trogen oxides, sulfur oxides, particulate matter, and  
12 hazardous air pollutants while ensuring grid reli-  
13 ability;

14 (2) a quantification of the ratepayer savings  
15 achieved under this section; and

16 (3) any recommendations to renew or expand  
17 the credits.

18 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated such sums as are nec-  
20 essary to carry out this section for each of fiscal years  
21 2021 through 2026.



PAT20A15 85G

S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To modify a requirement relating to export licenses  
for the transfer of certain items to certain countries.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

**S. 4897**

To reestablish United States global leadership in nuclear energy, revitalize domestic nuclear energy supply chain infrastructure, support the licensing of advanced nuclear technologies, and improve the regulation of nuclear energy, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. VAN HOLLEN

Viz:

1 Strike section 103 and insert the following:

2 **SEC. 103. EXPORT LICENSE REQUIREMENTS.**

3 (a) DEFINITION OF LOW-ENRICHED URANIUM.—In  
4 this section, the term “low-enriched uranium” means ura-  
5 nium enriched to less than 20 percent of the uranium-  
6 235 isotope.

7 (b) REQUIREMENT.—The Commission shall not issue  
8 an export license for the transfer of any item described  
9 in subsection (d) to a country described in subsection (c)  
10 unless the Commission makes a determination that such

## 2

1 transfer will not be inimical to the interests of the United  
2 States.

3 (c) COUNTRIES DESCRIBED.—A country referred to  
4 in subsection (b) is a country that—

5 (1) has not concluded and ratified an Addi-  
6 tional Protocol to its safeguards agreement with the  
7 International Atomic Energy Agency; or

8 (2) has not ratified or acceded to the amend-  
9 ment to the Convention on the Physical Protection  
10 of Nuclear Material, signed at Vienna and New York  
11 March 3, 1980, described in the information circular  
12 of the International Atomic Energy Agency num-  
13 bered INFCIRC/274/Rev.1/Mod.1 and dated May 9,  
14 2016.

15 (d) ITEMS DESCRIBED.—An item referred to in sub-  
16 section (b) includes—

17 (1) unirradiated nuclear fuel containing special  
18 nuclear material (as defined in section 11 of the  
19 Atomic Energy Act of 1954 (42 U.S.C. 2014)), ex-  
20 cluding low-enriched uranium;

21 (2) a nuclear reactor that uses nuclear fuel de-  
22 scribed in paragraph (1); and

23 (3) any plant or component listed in Appendix  
24 I to part 110 of title 10, Code of Federal Regula-  
25 tions (or successor regulations), that is involved in—

## 3

1 (A) the reprocessing of irradiated nuclear  
2 reactor fuel elements;

3 (B) the separation of plutonium; or

4 (C) the separation of the uranium-233 iso-  
5 tope.

6 (e) NOTIFICATION.—If the Commission makes a de-  
7 termination under subsection (b) that the transfer of any  
8 item described in subsection (d) to a country described in  
9 subsection (c) will not be inimical to the interests of the  
10 United States, the Commission shall notify the appro-  
11 priate committees of Congress.

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA	THOMAS R. CARPER, DELAWARE
SHELLEY MOORE CAPITO, WEST VIRGINIA	BENJAMIN L. CARDIN, MARYLAND
KEVIN CRAMER, NORTH DAKOTA	BERNARD SANDERS, VERMONT
MIKE BRAUN, INDIANA	SHELDON WHITEHOUSE, RHODE ISLAND
MIKE ROUNDS, SOUTH DAKOTA	JEFF MERKLEY, OREGON
DAN SULLIVAN, ALASKA	KIRSTEN GILLIBRAND, NEW YORK
JOHN BOOZMAN, ARKANSAS	CORY A. BOOKER, NEW JERSEY
ROGER WICKER, MISSISSIPPI	EDWARD J. MARKEY, MASSACHUSETTS
RICHARD SHELBY, ALABAMA	TAMMY DUCKWORTH, ILLINOIS
JOHN ERNST, IOWA	CHRIS VAN HOLLEN, MARYLAND

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

### COMMITTEE RESOLUTION

ALTERATION  
ALMERIC CHRISTIAN FEDERAL BUILDING  
ST. CROIX, VI  
PVI-0008-SC20

### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a repair and alteration project at the Almeric L. Christian Federal Building located at 3013 Estate Golden Rock in St. Croix, U.S. Virgin Islands, to complete plumbing and electrical systems upgrades, site, exterior, and roof-related repairs, interior construction alterations and selective building demolition related to the replacement of the aging and deteriorating domestic, storm and sanitary systems and installation of a new potable water treatment facility and solar water heater system at an estimated construction cost of \$4,103,000, a management and inspection cost of \$497,000 and an estimated total project cost of \$4,600,000, a prospectus for which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

  
Chairman

  
Ranking Member

Adopted: December 2, 2020

JOHN BARRASSO, WYOMING, CHAIRMAN  
 JAMES M. INHOFE, OKLAHOMA  
 SHELLEY MOORE CAPITO, WEST VIRGINIA  
 KEVIN CRAMER, NORTH DAKOTA  
 MIKE BRAUN, INDIANA  
 MIKE ROUNDS, SOUTH DAKOTA  
 DAN SULLIVAN, ALASKA  
 JOHN BOOZMAN, ARKANSAS  
 ROGER WICKER, MISSISSIPPI  
 RICHARD SHELLEY, ALABAMA  
 JON ERNST, IOWA  
 THOMAS R. CARPER, DELAWARE  
 BENJAMIN L. CARDIN, MARYLAND  
 BERNARD SANDERS, VERMONT  
 SHELDON WHITEHOUSE, RHODE ISLAND  
 JEFF MERKLEY, OREGON  
 KRISTEN GILLIBRAND, NEW YORK  
 CORY A. BOOKER, NEW JERSEY  
 EDWARD J. MARKEY, MASSACHUSETTS  
 TAMMY DUCKWORTH, ILLINOIS  
 CHRIS VAN HOLLEN, MARYLAND

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
 MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

**United States Senate**  
 COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
 WASHINGTON, DC 20510-6175

# **COMMITTEE RESOLUTION**

**LEASE  
 DEPARTMENT OF THE TREASURY  
 INTERNAL REVENUE SERVICE  
 SAN JOSE, CA  
 PCA-01-SJ20**

## **RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 69,000 rentable square feet of space, including 25 official parking spaces, for the Internal Revenue Service (IRS) currently housed at 55 S. Market Street in San Jose, CA, under two leases, at a proposed annual cost of \$4,105,000 for a lease term of up to 20 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

*Provided*, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

*Provided further*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during

the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

*Provided further*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

  
Chairman

  
Ranking Member

**Adopted:** December 2, 2020

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA	THOMAS R. CARPER, DELAWARE
SHELLEY MOORE CAPITO, WEST VIRGINIA	BENJAMIN L. CARDIN, MARYLAND
KEVIN CRAMER, NORTH DAKOTA	BERNARD SANDERS, VERMONT
MIKE BRAUN, INDIANA	SHELDON WHITEHOUSE, RHODE ISLAND
MIKE ROUNDS, SOUTH DAKOTA	JEFF MERKLEY, OREGON
DAN SULLIVAN, ALASKA	KIRSTEN GILLIBRAND, NEW YORK
JOHN BOOZMAN, ARKANSAS	CORY A. BOOKER, NEW JERSEY
ROGER WICKER, MISSISSIPPI	EDWARD J. MARKEY, MASSACHUSETTS
RICHARD SHELLEY, ALABAMA	TAMMY DUCKWORTH, ILLINOIS
JONI ERNST, IOWA	CHRIS VAN HOLLEN, MARYLAND

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

### COMMITTEE RESOLUTION

LEASE  
DEPARTMENT OF JUSTICE  
WASHINGTON, DC  
PDC-07-WA20

### **RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 162,000 rentable square feet of space, including 7 official parking spaces, for the Department of Justice, Office of Justice Programs, currently located at 810 Seventh Street NW, Washington DC, at a proposed annual cost of \$8,100,000 for a lease term of up to 20 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

*Provided*, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

*Provided further*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the

lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

*Provided further*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

  
Chairman

  
Ranking Member

Adopted: December 2, 2020



JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA	THOMAS R. CARPER, DELAWARE
SHELLEY MOORE CAPITO, WEST VIRGINIA	BENJAMIN L. CARDIN, MARYLAND
KEVIN CRAMER, NORTH DAKOTA	BERNARD SANDERS, VERMONT
MIKE BRAUN, INDIANA	SHELDON WHITEHOUSE, RHODE ISLAND
MIKE ROUNDS, SOUTH DAKOTA	JEFF MERKLEY, OREGON
DAN SULLIVAN, ALASKA	KIRSTEN GILLIBRAND, NEW YORK
JOHN BOOZMAN, ARKANSAS	CORY A. BOOKER, NEW JERSEY
ROGER WICKER, MISSISSIPPI	EDWARD J. MARKEY, MASSACHUSETTS
RICHARD SHELLEY, ALABAMA	TAMMY DUCKWORTH, ILLINOIS
JON ERNST, IOWA	CHRIS VAN HOLLEN, MARYLAND

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

### COMMITTEE RESOLUTION

**LEASE  
U.S. DEPARTMENT OF VETERANS AFFAIRS  
OAHU, HI  
PHI-01-VA21**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 66,000 net usable square feet of space, including 528 official parking spaces, for the U.S. Department of Veterans Affairs currently located in Oahu, HI, at a proposed unserviced annual cost of \$5,931,083 for a lease term of up to 15 years, a description of which is attached hereto and by reference made part of this resolution, is approved. This resolution amends the authorization of the Committee on November 29, 2017 for Prospectus No. PHI-01-VA17.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

*Provided*, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

*Provided further*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the

lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

  
Chairman

  
Ranking Member

**Adopted:** December 2, 2020

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA	THOMAS R. CARPER, DELAWARE
SHELLEY MOORE CAPITO, WEST VIRGINIA	BERNARD SANDERS, VERMONT
KEVIN CRAMER, NORTH DAKOTA	SHeldon WHITEHOUSE, RHODE ISLAND
MIKE BRAUN, INDIANA	JEFF MERKLEY, OREGON
MIKE ROUNDS, SOUTH DAKOTA	KIRSTEN GILLIBRAND, NEW YORK
DAN SULLIVAN, ALASKA	CORY A. BOOKER, NEW JERSEY
JOHN BOOZMAN, ARKANSAS	EDWARD J. MARKEY, MASSACHUSETTS
ROGER WICKER, MISSISSIPPI	TAMMY DUCKWORTH, ILLINOIS
RICHARD SHELBY, ALABAMA	CHRIS VAN HOLLEN, MARYLAND
JON ERNST, IOWA	

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

**United States Senate**  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
WASHINGTON, DC 20510-6175

**COMMITTEE RESOLUTION**

**ALTERATION  
CHARLES E. WHITTAKER COURTHOUSE  
KANSAS CITY, MO  
PM0-0050-KC21**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a repair and alteration project at the Charles E. Whittaker Courthouse located at 400 E. 9<sup>th</sup> Street, Kansas City, MO, to replace the deteriorating curtain wall system and complete roof upgrades, at an estimated design cost of \$4,637,000, an estimated construction cost of \$49,680,000, a management and inspection cost of \$2,713,000, and an estimated total project cost of \$57,030,000, a prospectus for which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

  
Chairman

  
Ranking Member

**Adopted:** December 2, 2020

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA	THOMAS R. CARPER, DELAWARE
SHELLEY MOORE CAPITO, WEST VIRGINIA	BENJAMIN L. CARDIN, MARYLAND
KEVIN CRAMER, NORTH DAKOTA	BERNARD SANDERS, VERMONT
MIKE BRAUN, INDIANA	SHELDON WHITEHOUSE, RHODE ISLAND
MIKE ROUNDS, SOUTH DAKOTA	JEFF MERKLEY, OREGON
DAN SULLIVAN, ALASKA	KIRSTEN GILLIBRAND, NEW YORK
JOHN BOOZMAN, ARKANSAS	CORY A. BOOKER, NEW JERSEY
ROGER WICKER, MISSISSIPPI	EDWARD J. MARKEY, MASSACHUSETTS
RICHARD SHELBY, ALABAMA	TAMMY DUCKWORTH, ILLINOIS
JONI ERNST, IOWA	CHRIS VAN HOLLEN, MARYLAND

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

**United States Senate**  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
WASHINGTON, DC 20510-6175

**COMMITTEE RESOLUTION**

**ALTERATION  
THOMAS G. ABERNETHY FEDERAL BUILDING  
ABERDEEN, MS  
PMS-0082-AB21**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a repair and alteration project at the Thomas G. Abernethy Federal Building, located at 301 West Commerce Street, Aberdeen, MS, to complete repairs and alterations including replacing the heating ventilation and air conditioning, building automation and associated electrical systems, exterior envelope repairs, demolition, mold remediation and hazardous materials abatement, fire protection/life safety upgrades and incidental interior construction, at an estimated design cost of \$1,941,000, an estimated construction cost of \$21,125,000, a management and inspection cost of \$1,265,000 and an estimated total project cost of \$24,331,000, a prospectus for which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

  
Chairman

  
Ranking Member

Adopted: December 2, 2020

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA	THOMAS R. CARPER, DELAWARE
SHELLEY MOORE CAPITO, WEST VIRGINIA	BENJAMIN L. CARDIN, MARYLAND
KEVIN CRAMER, NORTH DAKOTA	BERNARD SANDERS, VERMONT
MIKE BRAUN, INDIANA	SHELDON WHITEHOUSE, RHODE ISLAND
MIKE ROUNDS, SOUTH DAKOTA	JEFF MERKLEY, OREGON
DAN SULLIVAN, ALASKA	KIRSTEN GILLIBRAND, NEW YORK
JOHN BOOZMAN, ARKANSAS	CORY A. BOOKER, NEW JERSEY
ROGER WICKER, MISSISSIPPI	EDWARD J. MARKEY, MASSACHUSETTS
RICHARD SHELBY, ALABAMA	TAMMY DUCKWORTH, ILLINOIS
JOHN ERNST, IOWA	CHRIS VAN HOLLEN, MARYLAND

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

**United States Senate**  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
WASHINGTON, DC 20510-6175

**COMMITTEE RESOLUTION**

**CONSTRUCTION  
OR  
BUILDING ACQUISITION  
FEDERAL BUREAU OF INVESTIGATION  
CLEVELAND, OH  
POH-FBC-CL21**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to 40 U.S.C. §3307, a prospectus providing for a new field office for the Department of Justice – Federal Bureau of Investigation, either through acquisition of an existing building or the acquisition of a site and construction, in Cleveland, OH at a site acquisition cost of \$2,131,000, a design cost of \$6,529,000, an estimated construction cost of \$67,173,000 and a management and inspection cost of \$4,353,000 for a total estimated project cost of \$80,186,000, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the construction of a new facility or acquisition of an existing facility.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

  
Chairman

  
Ranking Member

Adopted: December 2, 2020

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA	THOMAS R. CARPER, DELAWARE
SHELLEY MOORE CAPITO, WEST VIRGINIA	BENJAMIN L. CARDIN, MARYLAND
KEVIN CRAMER, NORTH DAKOTA	BERNARD SANDERS, VERMONT
MIKE BRAUN, INDIANA	SHELDON WHITEHOUSE, RHODE ISLAND
MIKE ROUNDS, SOUTH DAKOTA	JEFF MERKLEY, OREGON
DAN SULLIVAN, ALASKA	KIRSTEN GILLIBRAND, NEW YORK
JOHN BOOZMAN, ARKANSAS	CORY A. BOOKER, NEW JERSEY
ROGER WICKER, MISSISSIPPI	EDWARD J. MARKEY, MASSACHUSETTS
RICHARD SHELLEY, ALABAMA	TAMMY DUCKWORTH, ILLINOIS
JONI ERNST, IOWA	CHRIS VAN HOLLEN, MARYLAND

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

**United States Senate**  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
WASHINGTON, DC 20510-6175

**COMMITTEE RESOLUTION**

**CONSTRUCTION  
OR  
BUILDING ACQUISITION  
FEDERAL BUREAU OF INVESTIGATION  
OKLAHOMA CITY, OK  
POK-FBC-OC21**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing a new field office for the Department of Justice – Federal Bureau of Investigation either through construction of a new facility or acquisition of an existing facility of up to 132,000 gross square feet to replace the existing Federal Bureau of Investigation field office and provide a new field office facility in Oklahoma City, OK at an estimated site cost of \$3,000,000, an estimated design cost of \$6,355,000, an estimated construction cost of \$71,400,000, and a management and inspection cost of \$5,176,000, for a total cost of \$85,931,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the construction of a new facility or acquisition of an existing facility.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

  
Chairman

  
Ranking Member

Adopted: December 2, 2020