BUSINESS MEETING

MEETING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED SIXTEENTH CONGRESS
SECOND SESSION
DECEMBER 2, 2020

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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.

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 offshore 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, 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:]
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.4987.

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,

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 preserve 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,

[Signature]

Rich Powell  
Executive Director, ClearPath Action
The American Nuclear Infrastructure Act provides bipartisan support for nuclear innovation in the United States

EnergySource by Amy C. Romo

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 end 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 19, 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.

ANA is a good company, as there is solid recent precedent for bipartisan support of nuclear legislation. For example, in the past few years, Congress passed two sizable nuclear bills—the Nuclear Energy Innovation and Modernization Act and the Nuclear Energy Innovation Act—which championed both sides of the congressional aisle. It appears that both Republican and Democratic members are eager to support innovation in an industry that promises tens of thousands of jobs and billions of dollars in foreign trade opportunities.

https://www.atlanticcouncil.org/blog/energysource/the-american-nuclear-infrastructure-act-provides-bi-partisan-support-for-nuclear-innovation-in-the-u...
The American Nuclear Infrastructure Act provides bipartisan support for nuclear innovation in the United States - Atlantic Council

Nuclear energy provides about 60 percent of carbon-free power in the United States and has effectively prevented around 938 million metric tons of CO₂ 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 10 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 redevelop 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 paths 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 make the Atomic Energy Act's outdated foreign ownership, control, or domination (FOCD) restriction to facilitate investments in US nuclear projects by US sites.

Through the provisions discussed above, ANIA bolsters the current fleet of nuclear plants, potentially saving an upwards of 0.4 trillion jobs. It also promotes the development of a new generation of reactors and rebalances our high-technology manufacturing and export economy. The nuclear field features highly skilled professionals and supports competitive salaries, and every $1 billion of nuclear exports is estimated to create ten thousand domestic jobs.

With ANIA’s key provisions that support the current nuclear fleet and advanced nuclear technology, the 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 action agenda to revitalize the domestic energy sector and ensure a 100 percent clean energy, net-zero emission economy by 2050.

Amy C. Rimes is a partner at Hogan Lovells and a founding member of the Atlantic Council’s Nuclear Energy and National Security Coalition (NECS).

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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 1611(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,

Jon J. Indall  
Counsel for UPA
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.
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
We applaud @EPWGOP and @MikeCrapp on introducing bipartisan legislation to revitalize the United States’ nuclear infrastructure, reduce carbon emissions & strengthen our nation’s economy and national security.

Full statement: bit.ly/35PH8gw

11/20/20, 3:47 PM
Citizens for Responsible Energy Solutions on Twitter: "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

1:39 AM - Dec 2, 2020 - Twitter Web App"

Citizens for Responsible Energy Solutions @CitResSolutions

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

Sen. John B. @SenJohnBarrasso
U.S. Senator for the great state of Wyoming, @SenJohnC, Chairman, and Chairman of @EPWGOP;
Instagram.com/senjohnbarrasso

What’s happening

NBA - 25 minutes ago
LeBron James signs two-year, $85M contract extension with the Lakers, The Athletic reports

Trending with Biden

United States politics - Trending

Lakers - Trending with Bronny,Geo

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Lin Wood

95.5K Tweets

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Clippers

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https://twitter.com/CitResSolutions/status/1334175618883433474
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) to revitalize the United States' nuclear infrastructure, reduce carbon emissions and strengthen our...
“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

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Clean Air Task Force on Twitter: "Our experts @Beazy_Rampsey @lindsey_baxter on the passage of @SenJohnBarrasso @SenWhitehouse @SenBooker @MikeCrapo’s American Nuclear Infrastructure Act through @SenateEPW."

Clean Air Task Force statement on FNW Passage of the American Nuclear Infrastructure Act of 2020 by the Senate Committee on Energy and Natural Resources: "This legislation supports the clean energy attributes of existing nuclear energy technology, promotes the deployment of new advanced reactors, provides funds for cleanup of hard rock mining on tribal lands, enabling a cleaner energy economy." @Beazy_Rampsey

"When it comes to climate change, we can work across the aisle to incentivize the development, deployment, and preservation of "carbon power." @lindsey_baxter. Now is the time for policy frameworks crediting zero-emissions generation and achieving environmental justice goals."
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.”
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
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.

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...
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
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. Stephens
International President

LRS:nl
December 11, 2020

The Honorable John Barrasso  The Honorable Tom Carper
Chairman  Ranking Member
Environment and Public Works  Environment and Public Works
Committee  Committee
Washington, D.C. 20510  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 on 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
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 305.8 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,

[Signature]

Maria Korsnick
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,

[Signature]

Rich Nolan
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 Izro, PSEG Chairman, President and CEO
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: FW: TerraPower Quote of Support - S. 4897, the American Nuclear Infrastructure Act of 2020

Begin forwarded message:

From: Randi Reid <randi@kdcpartners.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 Nавin 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@kdcpartners.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; Kusman, Dan (Barrasso)
<Dan_Kusman@barrasso.senate.gov>; Farr, Kate (Barrasso) <Kate_Farr@barrasso.senate.gov>
Cc: Jeff Nавin <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 deployment 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@kdcrppartners.com
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.

epw.senate.gov/public/_cache/...

**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/

**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.
Without a full supply chain, we risk building a bridge to nowhere. #ANIA calls for coordination between the NRC & DOE on research, development, demonstration, & commercial application of advanced nuclear fuels. 5/

Fueling America’s Nuclear Energy Leadership – Third Way is a centrist think tank that offers fresh thinking and modern solutions to the most... thirdway.org

More & more countries are expressing interest in advanced nuclear. #ANIA supports international regulatory cooperation & assistance, helping build competent nuclear regulatory orgs & legal frameworks in countries seeking to develop nuclear power. thirdway.org/memo/mapping-t... 6/

Mapping the Global Market for Advanced Nuclear – 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
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
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

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

Press Contact
Ladan Ahmadi
Deputy Director of Media Relations
202–384–1718
lahmadi@thirdway.org
Global Energy Inst on Twitter: "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 @EPW GOP - Nov 17
Chairman @SenJohnBarrasso along with @SenWhitehouse, @MikeCrapo & @SenLankford introduced bipartisan legislation to revitalize America's nuclear infrastructure. bit.ly/3ny3HtX

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

Relevant people
- Global Energy @globalenergy
U.S. Chamber of Commerce's Global Energy Institute
- EPW Reps... @EPW GOP
Official account of the Senate Republicans on the U.S. Senate Committee on Environment & Public Works, Chaired by @SenJohnBarrasso
- Sen. John... @SenJohnBarrasso
U.S. Senator for the great state of Wyoming, @SenJohnBarrasso Chairman of @EPW GOP.
Instagram.com/senjohnbarrasso

What's happening
NBA - 29 minutes ago
LeBron James signs two-year, $85M contract extension with the Lakers. The Athletic reports

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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 delays 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 hear 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 benefitting 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
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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,

[Signature]

Bud Albright
President & CEO
U.S. Nuclear Industry Council &
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,

[Signature]

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 coun-
try, 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 tar-
gets without having to actually bring on any new clean energy gen-
eration. 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 let-
ters 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.”1 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

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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; tackling 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

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The Honorable Thomas R. Carper  
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456 Dirksen Senate Office Building  
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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 ¼ 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

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Arizona Faith Network
Arizona Trail Association
Beyond Nuclear
Black Hills Clean Water Alliance
C.A.R.D. (Coloradoans Against Resource Destruction)
Cape Downwinders
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Radiation Truth
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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 ALMs 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 expenditure 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.

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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 meltdowns 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:]
AMENDMENT NO._______  Calendar No._____

Purpose: In the nature of a substitute.


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 following:

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) Short Title.—This Act may be cited as the “American Nuclear Infrastructure Act of 2020”.

6 (b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—REESTABLISHING AMERICAN INTERNATIONAL COMPETITIVENESS AND GLOBAL LEADERSHIP
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 prices.
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. 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.

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.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACCIDENT TOLERANT FUEL.—The term "accident tolerant fuel" has the meaning given the term in section 107(a) of the Nuclear Energy Innovation and Modernization Act (Public Law 115–439; 132 Stat. 5577).
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(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

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

(A) advanced nuclear reactor fuel (as defined in section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note; Public Law 115–439)); and

(B) accident tolerant fuel.

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

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

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

(B) the Committee on Energy and Commerce of the House of Representatives.

(6) CHAIRMAN.—The term “Chairman” means the Chairman of the Nuclear Regulatory Commission.
(7) **COMMISSION.**—The term “Commission” means the Nuclear Regulatory Commission.

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

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

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

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

(12) **NATIONAL LABORATORY.**—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

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

(14) SECRETARY.—The term "Secretary" means the Secretary of Energy.

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

TITLE I—REESTABLISHING AMERICAN INTERNATIONAL COMPETITIVENESS AND GLOBAL LEADERSHIP

SEC. 101. INTERNATIONAL NUCLEAR REACTOR EXPORT AND INNOVATION ACTIVITIES.

(a) COORDINATION.—

(1) IN GENERAL.—The Commission shall—

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

(i) nuclear reactor import and export licensing; and

(ii) international regulatory cooperation and assistance relating to nuclear reactors, including with countries that are members of the Organisation for Economic Co-operation and Development; and
(B) support interagency and international coordination with respect to—

(i) the consideration of international technical standards to establish the licensing and regulatory basis to assist the design, construction, and operation of nuclear systems;

(ii) efforts to help build competent nuclear regulatory organizations and legal frameworks in countries seeking to develop nuclear power; and

(iii) exchange programs and training provided to other countries relating to nuclear regulation and oversight to improve nuclear technology licensing, in accordance with paragraph (2).

(2) Exchange Programs and Training.—With respect to the exchange programs and training described in paragraph (1)(B)(iii), the Commission shall coordinate, as applicable, with—

(A) the Secretary;

(B) National Laboratories;

(C) the private sector; and

(D) institutions of higher education.
(b) Authority to Establish Branch.—The Commission may establish within the Office of International Programs a branch, to be known as the “International Nuclear Reactor Export and Innovation Branch”, to carry out such international nuclear reactor export and innovation activities as the Commission determines to be appropriate and within the mission of the Commission.

(c) Exclusion of International Activities From the Fee Base.—

(1) In General.—Section 102 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215) is amended—

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

“(4) International nuclear reactor export and innovation activities.—The Commission shall identify in the annual budget justification international nuclear reactor export and innovation activities described in section 101(a) of the American Nuclear Infrastructure Act of 2020.”; and

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

“(iv) Costs for international nuclear reactor export and innovation activities de-
scribed in section 101(a) of the American
Nuclear Infrastructure Act of 2020.”.

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

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

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

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

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

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

(b) PROHIBITION ON UNLICENSED POSSESSION OR
OWNERSHIP OF COVERED FUEL.—Unless specifically au-
thorized by the Commission in a license issued under sec-
tion 53 of the Atomic Energy Act of 1954 (42 U.S.C.
2073) and part 70 of title 10, Code of Federal Regulations
(or successor regulations), no person subject to the juris-
diction of the Commission may possess or own covered
fuel.

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

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

(2) PROHIBITION ON ISSUANCE OF LICENSE.—

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

(B) DETERMINATION.—

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

(ii) JOINT DETERMINATION.—A determination described in clause (i) shall be jointly made by the Secretary and the Secretary of State.

(iii) TIMELINE.—

(I) NOTICE OF APPLICATION.— Not later than 30 days after the date on which the Commission receives an application for a license to possess or own covered fuel, the Commission shall notify the Secretary and the Secretary of State of the application.

(II) DETERMINATION.—The Secretary and the Secretary of State shall have a period of 180 days, beginning on the date on which the Commission notifies the Secretary and the Secretary of State under subclause (I) of an application for a license to possess or own covered fuel, in which to make the determination described in clause (i).
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(III) **Commission Notification.**—On making the determination described in clause (i), the Secretary and the Secretary of State shall immediately notify the Commission.

(IV) **Congressional Notification.**—Not later than 30 days after the date on which the Secretary and the Secretary of State notify the Commission under subclause (III), the Commission shall notify the appropriate committees of Congress of the determination.

(V) **Public Notice.**—Not later than 15 days after the date on which the Commission notifies Congress under subclause (IV) of a determination made under clause (i), the Commission shall make that determination publicly available.

(C) **Effect of No Determination.**—The prohibition described in subparagraph (A) shall not apply if the Secretary and the Secretary of State do not make the determination
described in subparagraph (B) by the date described in clause (iii)(II) of that subparagraph.

(d) **Savings Clause.**—Nothing in this section alters any treaty or international agreement in effect on the date of enactment of this Act.

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

(a) **In General.**—The Commission shall ensure that the materials and equipment described in subsection (b) that are approved for export by the Commission are in compliance with all applicable requirements of part 110 of title 10, Code of Federal Regulations (or successor regulations).

(b) **Materials and Equipment Described.**—The materials and equipment referred to in subsection (a) are—

(1) high-assay, low-enriched uranium, including—

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

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

(2) plutonium, including—

(A) unirradiated nuclear fuel containing plutonium;
(B) nuclear reactors that use nuclear fuel described in subparagraph (A); and

(C) plants and components listed in Appendix I of part 110 of title 10, Code of Federal Regulations (or successor regulations), that are involved in the reprocessing of irradiated nuclear reactor fuel elements or the separation of plutonium.

TITLE II—EXPANDING NUCLEAR ENERGY THROUGH ADVANCED NUCLEAR TECHNOLOGIES

SEC. 201. ADVANCED NUCLEAR REACTOR PRIZES.

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

"(f) Prizes for Advanced Nuclear Reactor Licensing.—"

"(1) Prize for advanced nuclear reactor licensing.—"

"(A) In general.—Subject to the availability of appropriations, the Secretary is authorized to make, with respect to each award category described in subparagraph (C), an award in an amount described in subparagraph
(B) to the first non-Federal entity to which the
Commission issues—

"(i) an operating license for an advanced nuclear reactor under part 50 of
title 10, Code of Federal Regulations (or successor regulations), for which an appli-
cation has not been approved by the Commission as of the date of enactment of this
subsection; or

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

"(I) that is issued under subpart C of part 52 that title (or successor
regulations); and

"(II) for which an application has not been approved by the Com-
mision as of the date of enactment of this subsection.

"(B) AMOUNT OF AWARD.—An award under subparagraph (A) shall be in an amount
equal to the total amount assessed by the Com-
mission and collected under section 102(b)(2)
from the entity receiving the award for costs relating to the issuance of the license described in that subparagraph, including, as applicable, costs relating to the issuance of an associated construction permit described in section 50.23 of title 10, Code of Federal Regulations (or successor regulations), or early site permit (as defined in section 52.1 of that title (or successor regulations)).

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

"(i) the first advanced nuclear reactor for which the Commission issues—

"(I) a license in accordance with clause (i) of subparagraph (A); or

"(II) a finding in accordance with clause (ii) of that subparagraph;

"(ii) an advanced nuclear reactor that—

"(I) uses isotopes derived from spent nuclear fuel (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)) or depleted uranium as fuel for the advanced nuclear reactor; and
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“(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission issues—

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

“(bb) a finding in accordance with clause (ii) of that subparagraph; and

“(iii) an advanced nuclear reactor that—

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

“(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission issues—

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

“(bb) a finding in accordance with clause (ii) of that subparagraph.

“(2) Federal funding limitation.—An award under this subsection shall not exceed the
total amount expended (excluding any expenditures made with Federal funds received for the applicable project and an amount equal to the minimum cost-share required under section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352)) by the entity receiving the award for licensing costs relating to the project for which the award is made.”

SEC. 202. REPORT ON UNIQUE LICENSING CONSIDERATIONS RELATING TO THE USE OF NUCLEAR ENERGY FOR NONELECTRIC APPLICATIONS.

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

(1) the flexible operation of nuclear reactors, such as ramping power output and switching between electricity generation and nonelectric applications;

(2) the use of advanced nuclear reactors exclusively for nonelectric applications; and

(3) the colocation of nuclear reactors with industrial plants or other facilities.

(b) STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from—
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(1) the Secretary;
(2) the nuclear energy industry;
(3) technology developers;
(4) the industrial, chemical, and medical sectors;
(5) nongovernmental organizations; and
(6) other public stakeholders.

(e) CONTENTS.—

(1) IN GENERAL.—The report shall describe—
(A) any unique licensing issues or requirements relating to the matters described in paragraphs (1) through (3) of subsection (a), including, with respect to the nonelectric applications referred to in paragraphs (1) and (2) of that subsection, any licensing issues or requirements relating to the use of nuclear energy in—
(i) hydrogen or other liquid and gaseous fuel or chemical production;
(ii) water desalination and wastewater treatment;
(iii) heat for industrial processes;
(iv) district heating;
(v) energy storage;
(vi) industrial or medical isotope production; and
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(vii) other applications, as identified by the Commission;

(B) options for addressing those issues or requirements—

(i) within the existing regulatory framework;

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

(iii) through a new rulemaking; and

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

(2) COST ESTIMATES, BUDGETS, AND TIME-FRAMES.—The report shall include cost estimates, proposed budgets, and proposed timeframes for implementing risk-informed and performance-based regulatory guidance in the licensing of nuclear reactors for nonelectric applications.
SEC. 203. ENABLING PREPARATIONS FOR THE DEMONSTRATION OF ADVANCED NUCLEAR REACTORS ON DEPARTMENT SITES.

(a) IN GENERAL.—Section 102(b)(1)(B) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(b)(1)(B)) (as amended by section 101(e)) is amended by adding at the end the following:

"(v) Costs for—

"(I) activities to review and approve or disapprove an application for an early site permit (as defined in section 52.1 of title 10, Code of Federal Regulations (or a successor regulation)) to demonstrate an advanced nuclear reactor on a Department of Energy site; and

"(II) pre-application activities relating to an early site permit (as so defined) to demonstrate an advanced nuclear reactor on a Department of Energy site.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2021.
TITLE III—PRESEVING EXISTING NUCLEAR ENERGY GENERATION

SEC. 301. NUCLEAR REACTOR INCENTIVES.

(a) DEFINITIONS.—In this section:

(1) CERTIFIED NUCLEAR REACTOR.—The term "certified nuclear reactor" means a nuclear reactor that—

(A) operates in a competitive electricity market; and

(B) is certified under subsection (e)(2)(A)(i) to submit a sealed bid in accordance with subsection (d).

(2) CREDIT.—The term "credit" means a credit allocated to a certified nuclear reactor under subsection (e)(2).

(b) ESTABLISHMENT OF PROGRAM.—Subject to the availability of appropriations, the Administrator, in consultation with the Secretary, shall establish an emissions avoidance program—

(1) to evaluate nuclear reactors that are projected to cease operations due to economic factors; and

(2) to allocate credits to certified nuclear reactors that are selected under paragraph (1)(B) of
subsection (c) to receive credits under paragraph (2) of that subsection.

(c) Certification.—

(1) Application.—

(A) In general.—In order to be certified under paragraph (2)(A)(i), the owner or operator of a nuclear reactor that is projected to cease operations due to economic factors shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator determines to be appropriate, including—

(i) information on the operating costs necessary to make the examination described in paragraph (2)(A)(ii)(II), including—

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

(II) any private or publicly available data with respect to current or projected bulk power market prices;
(III) out-of-market revenue streams;
(IV) operations and maintenance costs;
(V) capital costs, including fuel; and
(VI) operational and market risks;
(ii) an estimate of the potential incremental emissions of carbon dioxide, nitrogen oxides, sulfur oxides, particulate matter, and hazardous air pollutants that would result if the nuclear reactor were to cease operations;
(iii) information on the source of recovered uranium and the location where the uranium is converted, enriched, and fabricated into fuel assemblies for the nuclear reactor for the 2-year period for which credits would be allocated; and
(iv) a detailed plan to sustain operations at the conclusion of the applicable 2-year period for which credits would be allocated—
(I) without receiving additional
credits; or

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

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

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

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

(2) DETERMINATION TO CERTIFY.—

(A) DETERMINATION.—

(i) IN GENERAL.—Not later than 60
days after the applicable date under sub-
paragraph (B) of paragraph (1), the Ad-
ministrator, in consultation with the Sec-
retary, shall determine whether to certify,
in accordance with clauses (ii) and (iii),
each nuclear reactor for which an applica-
tion is submitted under subparagraph (A)
of that paragraph.
(ii) **Minimum requirements.**—To the maximum extent practicable, the Administrator, in consultation with the Secretary, shall only certify a nuclear reactor under clause (i) if—

(I) the nuclear reactor has a good safety record, as determined by the Action Matrix of the Commission or the Performance Indicators of the Reactor Oversight Process, such that the nuclear reactor falls under the “licencsee response” column indicating no current significant safety issues;

(II) after considering the information submitted under paragraph (1)(A)(i), the Administrator determines that the nuclear reactor is projected to cease operations due to economic factors; and

(III) after considering the estimate submitted under paragraph (1)(A)(ii), the Administrator determines that emissions of carbon dioxide, nitrogen oxides, sulfur oxides, particulate matter, and hazardous air
pollutants would increase if the nuclear reactor were to cease operations and be replaced with other types of power generation.

(iii) PRIORITY.—In determining whether to certify a nuclear reactor under clause (i), the Administrator, in consultation with the Secretary, shall give priority to a nuclear reactor that uses uranium that is recovered, converted, enriched, and fabricated into fuel assemblies in the United States.

(B) NOTICE.—For each application received under paragraph (1)(A), the Administrator, in consultation with the Secretary, shall provide to the applicable owner or operator, as applicable—

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

(ii) a notice that describes the reasons why the certification of the applicable nuclear reactor was denied.

(d) BIDDING PROCESS.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall establish a deadline by which
each certified nuclear reactor shall submit to the Administrator a sealed bid that—

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

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

(2) Requirement.—The deadline established under paragraph (1) shall be not later than 30 days after the first date on which the Administrator has made the determination described in paragraph (2)(A)(i) of subsection (c) with respect to each application submitted under paragraph (1)(A) of that subsection.

(e) Allocation.—

(1) Auction.—The Administrator, in consultation with the Secretary, shall—

(A) in consultation with the heads of applicable Federal agencies, establish a process for evaluating bids submitted under subsection (d)(1) through an auction process; and
(B) select certified nuclear reactors to be allocated credits.

(2) **Credits.**—Subject to subsection (f)(2), on selection under paragraph (1), a certified nuclear reactor shall be allocated credits for a 2-year period beginning on the date of the selection.

(3) **Requirement.**—To the maximum extent practicable, the Administrator shall use the amounts made available for credits under this section to allocate credits to as many certified nuclear reactors as possible.

(f) **Renewal.**—

(1) **In General.**—The owner or operator of a certified nuclear reactor may seek to recertify the nuclear reactor in accordance with this section.

(2) **Limitation.**—Notwithstanding any other provision of this section, the Administrator may not allocate any credits after September 30, 2026.

(g) **Additional Requirements.**—

(1) **Audit.**—During the 2-year period beginning on the date on which a certified nuclear reactor first receives a credit, the Administrator, in consultation with the Secretary, shall periodically audit the certified nuclear reactor.
(2) Recapture.—The Administrator shall, by regulation, provide for the recapture of the allocation of any credit to a certified nuclear reactor that, during the period described in paragraph (1)—

(A) terminates operations; or

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

(3) Confidentiality.—The Administrator, in consultation with the Secretary, shall establish procedures to ensure that any confidential, private, proprietary, or privileged information that is included in a sealed bid submitted under this section is not publicly disclosed or otherwise improperly used.

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

(1) an evaluation of the effectiveness of the credits in avoiding emissions of carbon dioxide, nitrogen oxides, sulfur oxides, particulate matter, and hazardous air pollutants while ensuring grid reliability;

(2) a quantification of the ratepayer savings achieved under this section; and
(3) any recommendations to renew or expand
the credits.

(i) Authorization of Appropriations.—There
are authorized to be appropriated such sums as are nec-
essary to carry out this section for each of fiscal years
2021 through 2026.

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

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

(b) Contents.—The report under subsection (a)
shall include—

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

(2) a review of actions, if any, taken by the
Commission that examines how any revision or tem-
porary suspension of a process, procedure, or other
regulatory policy identified under paragraph (1) may or may not have compromised the ability of the Commission to license and regulate the civilian use of radioactive materials in the United States to protect public health and safety, promote the common defense and security, and protect the environment;

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

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

(5) a list of actions that the Commission may take to incorporate into the licensing activities and regulations of the Commission, without compromising the mission of the Commission—

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

and

(B) the information provided under paragraphs (2) and (3); and

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

SEC. 303. INVESTMENT BY ALLIES.

(a) IN GENERAL.—The prohibitions against issuing certain licenses for utilization facilities to certain corporations and other entities described in the second sentence
of section 103 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) and the second sentence of section 104 d. of that Act (42 U.S.C. 2134(d)) shall not apply to an entity described in subsection (b) if the Commission determines that issuance of the applicable license to that entity is not inimical to—

(1) the common defense and security; or

(2) the health and safety of the public.

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

(1) the government of—

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

(B) the Republic of Korea;

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

(3) an alien who is a national of a country described in subparagraph (A) or (B) of paragraph (1).

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

(d) SAVINGS CLAUSE.—Nothing in this section af-
fects the requirements of section 721 of the Defense Pro-

TITLE IV—REVITALIZING AMER-
ICA'S NUCLEAR SUPPLY
CHAIN INFRASTRUCTURE

SEC. 401. ADVANCED NUCLEAR FUEL APPROVAL.

(a) AGENCY COORDINATION.—

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

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

(A) to ensure that the Department has
sufficient technical expertise to support the
timely research, development, demonstration,
and commercial application by the civilian nu-
clear industry of innovative advanced nuclear
fuels, including by facilitating the development
and sharing of criticality benchmark data to
support—

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

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

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

(ii) the certification of transportation
packages for—

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

nium with an assay greater than or equal to 10 weight percent, but less

than 20 weight percent, of the ura-

nium-235 isotope;

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

(C) to identify methods to improve the use of computers and software codes to calculate the behavior and performance of advanced nuclear fuels based on mathematical models of the physical behavior of advanced nuclear fuels;

(D) to ensure that the Department maintains and develops the facilities necessary to enable the timely research, development, demonstra-

tion, and commercial application by the civilian nuclear industry of innovative advanced nuclear fuels; and

(E) to ensure that the Commission has access to the facilities described in subparagraph (D), as needed.

(b) REPORTING REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Com-
mission shall submit to the appropriate committees of Congress a report that—

(1) identifies criticality benchmark data to assist—

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

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

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

(B) the certification of transportation packages for—

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

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

(2) identifies and describes any updates to regulations, certifications, and other regulatory policies that the Commission determines are necessary for licensing and oversight relating to high-assay, low-enriched uranium, including—

(A) certifications relating to transportation packages for—

(i) high-assay, low-enriched uranium with an assay greater than 5 weight percent, but less than 10 weight percent, of the uranium-235 isotope; and

(ii) high-assay, low-enriched uranium with an assay greater than or equal to 10 weight percent, but less than 20 weight percent, of the uranium-235 isotope; and

(B) licensing of fuel enrichment, deconversion, and fabrication facilities for high-assay, low-enriched uranium, and associated physical security plans for those facilities;

(3) identifies and describes any updates to regulations, certifications, and other regulatory policies
that the Commission determines are necessary to address nuclear nonproliferation considerations that—

(A) are within the mission of the Commission; and

(B) are associated with—

(i) high-assay, low-enriched uranium with an assay greater than 5 weight percent, but less than 10 weight percent, of the uranium-235 isotope; or

(ii) high-assay, low-enriched uranium with an assay greater than or equal to 10 weight percent, but less than 20 weight percent, of the uranium-235 isotope;

(4) identifies and describes—

(A) any data needs, regulatory requirements, or policies identified under paragraph (1), (2), or (3) that—

(i) differ based on whether they are related to—

(I) high-assay, low-enriched uranium with an assay greater than 5 weight percent, but less than 10 weight percent, of the uranium-235 isotope; or
(II) high-assay, low-enriched uranium with an assay greater than or equal to 10 weight percent, but less than 20 weight percent, of the uranium-235 isotope; or
(ii) are unique to—
(I) high-assay, low-enriched uranium with an assay greater than 5 weight percent, but less than 10 weight percent, of the uranium-235 isotope; or
(II) high-assay, low-enriched uranium with an assay greater than or equal to 10 weight percent, but less than 20 weight percent, of the uranium-235 isotope;
(B) the manner in which the data needs, regulatory requirements, or policies identified under subparagraph (A)(i) differ as described in that subparagraph; and
(C) the extent to which the data needs, regulatory requirements, or policies identified under subparagraph (A)(ii) are unique to either—
(i) high-assay, low-enriched uranium with an assay greater than 5 weight percent, but less than 10 weight percent, of the uranium-235 isotope; or

(ii) high-assay, low-enriched uranium with an assay greater than or equal to 10 weight percent, but less than 20 weight percent, of the uranium-235 isotope; and

(5) includes a timeline for completing the updates described in paragraphs (2) and (3) within the existing regulatory framework.

SEC. 402. NATIONAL STRATEGIC URANIUM RESERVE.

(a) Definitions.—In this section:

(1) Program.—The term “program” means the program established under subsection (b)(1).

(2) Uranium Reserve.—The term “Uranium Reserve” means the uranium reserve operated pursuant to the program.

(b) Establishment.—

(1) In general.—Not later than 60 days after the date of enactment of this Act, the Secretary, subject to the availability of appropriations, shall establish a program to operate a uranium reserve in accordance with this section.
(2) Authority.—In establishing the program and operating the Uranium Reserve, the Secretary shall use the authority granted to the Secretary by sections 53, 63, and 161 g. of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2093, 2201(g)).

(c) Purposes.—The purposes of the Uranium Reserve are—

(1) to provide assurance of the availability of uranium recovered in the United States in the event of a market disruption; and

(2) to support strategic fuel cycle capabilities in the United States.

(d) Exclusion.—The Secretary shall exclude from the Uranium Reserve uranium that is recovered in the United States by an entity that—

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

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

(e) Acquisition.—

(1) In general.—The Secretary may acquire for the Uranium Reserve only uranium recovered from a facility described in paragraph (2), including,
subject to paragraph (3), uranium ore that has been
mined.

(2) FACILITIES DESCRIBED.—A facility referred
to in paragraph (1) is a facility that—

(A) (i) is licensed by the Commission as of
the date of enactment of this Act;

(ii) is not located on Tribal land; and

(iii) is not the subject of an enforcement
action that—

(I) was taken—

(aa) in response to a violation of
a regulation in part 40 of title 10,
Code of Federal Regulations (or suc-
cessor regulations); and

(bb) during the 1-year period
ending on the date on which the ura-
nium is acquired for the Uranium Re-
serve; and

(II) was characterized as “escalated
enforcement”; or

(B)(i) as of the date of enactment of this
Act, is licensed by a State that has entered into
an agreement with the Commission under sec-
tion 274 b. of the Atomic Energy Act of 1954
(42 U.S.C. 2021(b));
(ii) is not located on Tribal land; and

(iii) is not the subject of an enforcement action that—

(I) was taken—

(aa) in response to a violation of

an applicable State requirement that

is compatible with the regulations of

the Commission in part 40 of title 10,

Code of Federal Regulations (or suc-

cessor regulations); and

(bb) during the 1-year period

ending on the date on which the ura-
nium is acquired for the Uranium Re-

serve; and

(II) was subject to further administra-

tive actions, further orders, or the equiva-

tent of further administrative actions or or-

ders that, alone or in combination, are

equivalent to an enforcement action of the

Commission that would be characterized as

"escalated enforcement" by the Commiss-

ion, as described in subparagraph

(A)(iii)(II).

(3) Requirement.—
44

(A) In general.—Except as provided in subparagraph (B), with respect to any uranium
ore acquired by a facility described in paragraph (2) that has been mined, the Secretary
may acquire for the Uranium Reserve only ura-
nium extracted from a conventional mine that
is not located on—

(i) Tribal land;

(ii) land located within the outer
boundaries of the parcels of land described
in Public Land Order 7787 (77 Fed. Reg.
2563 (January 18, 2012)); or

(iii) Federal land that, as of October
1, 2020, is permanently withdrawn from
location and entry under sections 2319
through 2344 of the Revised Statutes
(commonly known as the “Mining Law of
1872”) (30 U.S.C. 22 et seq.).

(B) Removal and Remedial Actions.—
The Secretary may acquire for the Uranium
Reserve uranium recovered from material ob-
tained as a result of removal or remedial ac-
tions carried out on abandoned mine land lo-
cated on Tribal land.
(f) Request for Information.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish a request for information to help the Secretary evaluate—

(1) options for the operation and management of the Uranium Reserve;

(2) contractual mechanisms pursuant to which the Secretary could acquire uranium; and

(3) the quantities, form, transportation, and storage of uranium in the Uranium Reserve.

(g) Budget Request.—For each fiscal year beginning after the date of enactment of this Act, the Secretary shall include in the budget justification submitted to Congress pursuant to section 1105 of title 31, United States Code—

(1) a request for amounts for the acquisition, transportation, and storage of uranium in the Uranium Reserve; or

(2) an explanation of why amounts are not requested for the acquisition, transportation, or storage of uranium in the Uranium Reserve.
SEC. 403. REPORT ON ADVANCED METHODS OF MANUFACTURING AND CONSTRUCTION FOR NUCLEAR ENERGY APPLICATIONS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report (referred to in this subsection as the "report") on manufacturing and construction for nuclear energy applications.

(b) Stakeholder Input.—In developing the report, the Commission shall seek input from—

(1) the Secretary;

(2) the nuclear energy industry;

(3) National Laboratories;

(4) institutions of higher education;

(5) nuclear and manufacturing technology developers;

(6) the manufacturing and construction industries;

(7) standards development organizations;

(8) labor unions;

(9) nongovernmental organizations; and

(10) other public stakeholders.

(c) Contents.—

(1) In General.—The report shall—

(A) examine any unique licensing issues or requirements relating to the use of innovative—
(i) advanced manufacturing processes;
and

(ii) advanced construction techniques;

(B) examine—

(i) the requirements for nuclear-grade components in manufacturing and construction for nuclear energy applications;

(ii) opportunities to use standard materials, parts, or components in manufacturing and construction for nuclear energy applications; and

(iii) opportunities to use standard materials that are in compliance with existing codes to provide acceptable approaches to support or encapsulate new materials that do not yet have applicable codes;

(C) identify any safety aspects of innovative advanced manufacturing processes and advanced construction techniques that are not addressed by existing codes and standards, so that generic guidance may be updated or created, as necessary;

(D) identify options for addressing the issues, requirements, and opportunities examined under subparagraphs (A) and (B)—
(i) within the existing regulatory framework; or

(ii) through a new rulemaking; and

(E) describe the extent to which Commission action is needed to implement any matter described in the report.

(2) **Cost estimates, budgets, and timeframes.**—The report shall include cost estimates, proposed budgets, and proposed timeframes for implementing risk-informed and performance-based regulatory guidance for manufacturing and construction for nuclear energy applications.

**TITLE V—MISCELLANEOUS**

**SEC. 501. NUCLEAR ENERGY WORKFORCE DEVELOPMENT.**

Section 313 of division C of the Omnibus Appropriations Act, 2009 (42 U.S.C. 16274a) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “in each of fiscal years 2009 to 2019” and inserting “for each of fiscal years 2021 through 2030,”; and

(2) by adding at the end the following:

“(d) **Nuclear Energy Traineeship Subprogram.**—

“(1) **Definitions.**—In this subsection:
(A) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

(B) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(C) NATIONAL LABORATORY.—The term ‘National Laboratory’ has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C 15801).

(2) ESTABLISHMENT.—The Commission shall establish, as a subprogram of the Integrated University Program established under this section, a workforce development subprogram under which the Commission, in coordination with institutions of higher education and trade schools, shall competitively award traineeships that provide focused training to meet critical mission needs of the Commission and nuclear workforce needs, including needs relating to—

(A) nuclear criticality safety; and

(B) the nuclear tradecraft workforce.
"(3) REQUIREMENTS.—In carrying out the
workforce development program described in para-
graph (2), the Commission shall—

“(A) coordinate with the Secretary to
prioritize the funding of traineeships that focus
on—

“(i) nuclear workforce needs; and

“(ii) critical mission needs of the
Commission;

“(B) encourage appropriate partnerships
among—

“(i) National Laboratories;

“(ii) institutions of higher education;

“(iii) trade schools; and

“(iv) the nuclear energy industry; and

“(C) on an annual basis, evaluate nuclear
workforce needs for the purpose of imple-
menting traineeships in focused topical areas
that—

“(i) address the workforce needs of
that community; and

“(ii) support critical mission needs of
the Commission.”.
51

SEC. 502. ANNUAL REPORT ON THE SPENT NUCLEAR FUEL
AND HIGH-LEVEL RADIOACTIVE WASTE IN-
VENTORY IN THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) HIGH-LEVEL RADIOACTIVE WASTE.—The
term "high-level radioactive waste" has the meaning
given the term in section 2 of the Nuclear Waste

(2) SPENT NUCLEAR FUEL.—The term "spent
nuclear fuel" has the meaning given the term in sec-
tion 2 of the Nuclear Waste Policy Act of 1982 (42

(3) STANDARD CONTRACT.—The term "stand-
ard contract" has the meaning given the term "con-
tract" in section 961.3 of title 10, Code of Federal
Regulations (or a successor regulation).

(b) REPORT.—Not later than January 1, 2022, and
annually thereafter, the Secretary shall submit to Con-
gress a report that describes—

(1) the annual and cumulative amount of pay-
ments made by the United States to the holder of
a standard contract due to a partial breach of con-
tact under the Nuclear Waste Policy Act of 1982
(42 U.S.C. 10101 et seq.) resulting in financial
damages to the holder;
(2) the amount spent by the Department to reduce future payments projected to be made by the United States to any holder of a standard contract due to a partial breach of contract under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.);

(3) the cumulative amount spent by the Department to store, manage, and dispose of spent nuclear fuel and high-level radioactive waste in the United States as of the date of the report;

(4) the projected lifecycle costs to store, manage, transport, and dispose of the projected inventory of spent nuclear fuel and high-level radioactive waste in the United States, including spent nuclear fuel and high-level radioactive waste expected to be generated from existing reactors through 2050;

(5) any mechanisms for better accounting of liabilities for the lifecycle costs of the spent nuclear fuel and high-level radioactive waste inventory in the United States; and

(6) any recommendations for improving the methods used by the Department for the accounting of spent nuclear fuel and high-level radioactive waste costs and liabilities.
SEC. 503. AUTHORIZATION OF APPROPRIATIONS FOR SUPERFUND ACTIONS AT ABANDONED MINING SITES ON TRIBAL LAND.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE NON-NPL SITE.—The term "eligible non-NPL site" means a site that—

(A) is not on the National Priorities List;

but

(B) the Administrator determines would be eligible for listing on the National Priorities List based on the presence of hazards from contamination at the site, applying the hazard ranking system described in section 105(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(c)).

(2) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term "Indian tribe" in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(3) NATIONAL PRIORITIES LIST.—The term "National Priorities List" means the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive En-
environmental Response, Compensation, and Liability
Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

(b) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated for each of fiscal years
2021 through 2030, to remain available until expended—

(1) $97,000,000 to the Administrator to carry
out this section (except for subsection (d)); and

(2) $3,000,000 to the Administrator of the
Agency for Toxic Substances and Disease Registry
to carry out subsection (d).

(c) USES OF AMOUNTS.—Amounts appropriated
under subsection (b)(1) shall be used by the Adminis-
trator—

(1) to carry out removal actions on abandoned
mine land located on Tribal land;

(2) to carry out remedial actions on abandoned
mine land located on Tribal land at—

(A) eligible non-NPL sites; and

(B) sites listed on the National Priorities
List; and

(3) to make grants under subsection (e).

(d) HEALTH ASSESSMENTS.—Subject to the avail-
ability of appropriations, the Agency for Toxic Substances
and Disease Registry, in coordination with Tribal health
authorities, shall perform 1 or more health assessments
1 at each eligible non-NPL site that is located on Tribal
2 land.
3
4 (e) GRANTS FOR TECHNICAL ASSISTANCE.—
5
6 (1) IN GENERAL.—The Administrator may use
7 amounts appropriated under subsection (b)(1) to
8 make grants to Indian Tribes on whose land is lo-
9 cated an eligible non-NPL site.
10
11 (2) USE OF GRANT FUNDS.—A grant under
12 paragraph (1) shall be used in accordance with the
13 second sentence of section 117(e)(1) of the Com-
14 prehensive Environmental Response, Compensation,
15 and Liability Act of 1980 (42 U.S.C. 9617(e)(1)).
16
17 (3) LIMITATIONS.—A grant under paragraph
18 (1) shall be governed by the rules, procedures, and
19 limitations described in section 117(e)(2) of the
20 Comprehensive Environmental Response, Compensa-
21 tion, and Liability Act of 1980 (42 U.S.C.
22 9617(e)(2)), except that—
23
24 (A) “Administrator of the Environmental
25 Protection Agency” shall be substituted for
26 “President” each place it appears in that sec-
27 tion; and
28
29 (B) in the first sentence of that section,
30 “under section 503 of the American Nuclear In-
 infrastructure Act of 2020’’ shall be substituted for “under this subsection”.

(f) STATUTE OF LIMITATIONS.—If a remedial action described in subsection (c)(2) is scheduled at an eligible non-NPL site, no action may be commenced for damages (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) with respect to that eligible non-NPL site unless the action is commenced within the time-frame provided for such actions with respect to facilities on the National Priorities List in the first sentence of the matter following subparagraph (B) of section 113(g)(1) of that Act (42 U.S.C. 9613(g)(1)).

(g) COORDINATION.—The Administrator shall coordinate with the Indian Tribe on whose land the applicable site is located in—

(1) selecting and prioritizing sites for removal actions and remedial actions under paragraphs (1) and (2) of subsection (c); and

(2) carrying out those removal actions and remedial actions.

SEC. 504. NUCLEAR CLOSURE COMMUNITIES.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY ADVISORY BOARD.—The term “community advisory board” means a community
committee or other advisory organization that aims
to foster communication and information exchange
between a licensee planning for and involved in de-
commissioning activities and members of the com-
munity that decommissioning activities may affect.

(2) **DECOMMISSION.**—The term “decommis-
ion” has the meaning given the term in section
50.2 of title 10, Code of Federal Regulations (or
successor regulations).

(3) **ELIGIBLE RECIPIENT.**—The term “eligible
recipient” has the meaning given the term in section
3 of the Public Works and Economic Development

(4) **LICENSEE.**—The term “licensee” has the
meaning given the term in section 50.2 of title 10,
Code of Federal Regulations (or successor regula-
tions).

(5) **NUCLEAR CLOSURE COMMUNITY.**—The
term “nuclear closure community” means a unit of
local government, including a county, city, town, vil-
lage, school district, or special district that has been
impacted, or reasonably demonstrates to the satis-
faction of the Secretary, that it will be impacted, by
a nuclear power plant licensed by the Commission
that has ceased operation or has provided a written
notification to the Commission that it will cease operations as of the date of enactment of this Act.

(6) SECRETARY.—The term "Secretary" means the Secretary of Commerce, acting through the Assistant Secretary of Commerce for Economic Development.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a grant program to provide grants to eligible recipients—

(1) to assist with economic development in nuclear closure communities; and

(2) to fund community advisory boards in nuclear closure communities.

(c) REQUIREMENT.—In carrying out this section, to the maximum extent practicable, the Secretary shall implement the recommendations described in the report submitted to Congress under section 108 of the Nuclear Energy Innovation and Modernization Act (Public Law 115–439; 132 Stat. 5577) entitled "Best Practices for Establishment and Operation of Local Community Advisory Boards Associated with Decommissioning Activities at Nuclear Power Plants".

(d) DISTRIBUTION OF FUNDS.—The Secretary shall establish a formula to ensure, to the maximum extent
practicable, geographic diversity among grant recipients under this section.

(e) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to the Secretary—

(A) to carry out subsection (b)(1), $30,000,000 for each of fiscal years 2021 through 2026; and

(B) to carry out subsection (b)(2), $5,000,000 for each of fiscal years 2021 through 2023.

(2) Availability.—Amounts made available under this section shall remain available for a period of 5 years beginning on the date on which the amounts are made available.

(3) No offset.—None of the funds made available under this section may be used to offset the funding for any other Federal program.

SEC. 505. REPORT ON CORPORATE SUPPORT.

Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress and make publicly available a report that describes—
1 (1) the progress on the implementation of section 102(a)(3) of the Nuclear Energy Innovation
2 and Modernization Act (42 U.S.C. 2215(a)(3)); and
3 (2) whether the Commission is meeting and is
4 expected to meet the total budget authority caps re-
5 quired for corporate support under that section.
6
7 SEC. 506. TECHNICAL CORRECTION.
8 Section 104 e. of the Atomic Energy Act of 1954 (42
9 U.S.C. 2134(e)) 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
“(B) not more than 50 percent of the annual costs to the licensee of owning and operating the facility are devoted to the sale of energy.”;

(2) in the second sentence, by striking “The Commission” and inserting the following:

“(2) **REGULATION.**—The Commission”; and

(3) by striking “c. The Commission” and inserting the following:

“c. **RESEARCH AND DEVELOPMENT ACTIVITIES.**—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission”.
AMENDMENT NO._______ Calendar No._______

Purpose: To extend the period for nuclear reactor incentives to 4 years.


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

(B) is certified under subsection (c)(2)(A)(i) to submit a sealed bid in accordance with subsection (d).

(2) CREDIT.—The term "credit" means a credit allocated to a certified nuclear reactor under subsection (e)(2).

(b) ESTABLISHMENT OF PROGRAM.—Subject to the availability of appropriations, the Administrator, in consultation with the Secretary, shall establish an emissions avoidance program—

(1) to evaluate nuclear reactors that are projected to cease operations due to economic factors;

and

(2) to allocate credits to certified nuclear reactors that are selected under paragraph (1)(B) of subsection (e) to receive credits under paragraph (2) of that subsection.

(e) CERTIFICATION.—

(1) APPLICATION.—

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

(i) information on the operating costs necessary to make the examination described in paragraph (2)(A)(ii)(II), including—

(I) the average annual operating loss per megawatt-hour expected to be incurred by the nuclear reactor over the 4-year period for which credits would be allocated;

(II) any private or publicly available data with respect to current or projected bulk power market prices;

(III) out-of-market revenue streams;

(IV) operations and maintenance costs;

(V) capital costs, including fuel; and

(VI) operational and market risks;

(ii) an estimate of the potential incremental emissions of carbon dioxide, nitrogen oxides, sulfur oxides, particulate mat-
4

ter, and hazardous air pollutants that
would result if the nuclear reactor were to

case operations;

(iii) information on the source of re-
covered uranium and the location where
the uranium is converted, enriched, and
fabricated into fuel assemblies for the nu-
clear reactor for the 4-year period for
which credits would be allocated; and

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

(I) without receiving additional

credits; or

(II) with the receipt of additional

credits of a lower amount than the

credits allocated during that 4-year

credit period.

(B) Timeline.—The Administrator shall
accept applications described in subparagraph
(A)—

(i) until the date that is 120 days

after the date of enactment of this Act; and
(ii) not less frequently than every year thereafter.

(2) Determination to Certify.—

(A) Determination.—

(i) In General.—Not later than 60 days after the applicable date under subparagraph (B) of paragraph (1), the Administrator, in consultation with the Secretary, shall determine whether to certify, in accordance with clauses (ii) and (iii), each nuclear reactor for which an application is submitted under subparagraph (A) of that paragraph.

(ii) Minimum Requirements.—To the maximum extent practicable, the Administrator, in consultation with the Secretary, shall only certify a nuclear reactor under clause (i) if—

(I) the nuclear reactor has a good safety record, as determined by the Action Matrix of the Commission or the Performance Indicators of the Reactor Oversight Process, such that the nuclear reactor falls under the “li-
gence response" column indicating no current significant safety issues;

(II) after considering the information submitted under paragraph (1)(A)(i), the Administrator determines that the nuclear reactor is projected to cease operations due to economic factors; and

(III) after considering the estimate submitted under paragraph (1)(A)(ii), the Administrator determines that emissions of carbon dioxide, nitrogen oxides, sulfur oxides, particulate matter, and hazardous air pollutants would increase if the nuclear reactor were to cease operations and be replaced with other types of power generation.

(iii) PRIORITY.—In determining whether to certify a nuclear reactor under clause (i), the Administrator, in consultation with the Secretary, shall give priority to a nuclear reactor that uses uranium that is recovered, converted, enriched, and
fabricated into fuel assemblies in the United States.

(B) NOTICE.—For each application received under paragraph (1)(A), the Administrator, in consultation with the Secretary, shall provide to the applicable owner or operator, as applicable—

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

(ii) a notice that describes the reasons why the certification of the applicable nuclear reactor was denied.

(d) BIDDING PROCESS.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall establish a deadline by which each certified nuclear reactor shall submit to the Administrator a sealed bid that—

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

(B) includes a commitment, subject to the receipt of credits, to provide a specific number
8

of megawatt-hours of generation during the 4-
year period for which credits would be allocated.

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

(e) ALLOCATION.—

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

(A) in consultation with the heads of applic-
able Federal agencies, establish a process for
evaluating bids submitted under subsection
(d)(1) through an auction process; and

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

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

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

(f) RENEWAL.—

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

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

(g) ADDITIONAL REQUIREMENTS.—

(1) AUDIT.—During the 4-year period beginning on the date on which a certified nuclear reactor first receives a credit, the Administrator, in consultation with the Secretary, shall periodically audit the certified nuclear reactor.

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

(A) terminates operations; or

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

(3) CONFIDENTIALITY.—The Administrator, in consultation with the Secretary, shall establish pro-
10 procedures to ensure that any confidential, private, proprietary, or privileged information that is included in a sealed bid submitted under this section is not publicly disclosed or otherwise improperly used.

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

(1) an evaluation of the effectiveness of the credits in avoiding emissions of carbon dioxide, nitrogen oxides, sulfur oxides, particulate matter, and hazardous air pollutants while ensuring grid reliability;

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

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

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2021 through 2026.
AMENDMENT NO.______      Calendar No.______

Purpose: To modify a requirement relating to export licenses for the transfer of certain items to certain countries.


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 this section, the term “low-enriched uranium” means uranium enriched to less than 20 percent of the uranium-235 isotope.

4   (b) REQUIREMENT.—The Commission shall not issue an export license for the transfer of any item described in subsection (d) to a country described in subsection (e) unless the Commission makes a determination that such
2

transfer will not be inimical to the interests of the United States.

(c) COUNTRIES DESCRIBED.—A country referred to in subsection (b) is a country that—

(1) has not concluded and ratified an Additional Protocol to its safeguards agreement with the International Atomic Energy Agency; or

(2) has not ratified or acceded to the amendment to the Convention on the Physical Protection of Nuclear Material, signed at Vienna and New York March 3, 1980, described in the information circular of the International Atomic Energy Agency numbered INFCIRC/274/Rev.1/Mod.1 and dated May 9, 2016.

(d) ITEMS DESCRIBED.—An item referred to in subsection (b) includes—

(1) unirradiated nuclear fuel containing special nuclear material (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)), excluding low-enriched uranium;

(2) a nuclear reactor that uses nuclear fuel described in paragraph (1); and

(3) any plant or component listed in Appendix 1 to part 110 of title 10, Code of Federal Regulations (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.
COMMITTEE RESOLUTION

ALTERATION
ALMERIC CHRISTIAN FEDERAL BUILDING
ST. CROIX, VI
PV1-0008-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
COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
SAN JOSE, CA
PCA-01-S2D

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.

[Signatures]

Chairman

Ranking Member

Adopted: December 2, 2020
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 $8,100,008 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 reduction other than reductions 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 any 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
COMMITTEE RESOLUTION

LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
OAHU, HI
PHI-01-VA1

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
COMMITTEE RESOLUTION

ALTERATION
CHARLES E. WHITTAKER COURTHOUSE
KANSAS CITY, MO
PM0-0056-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. 9th 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
COMMITTEE RESOLUTION

ALTERATION
THOMAS G. ABERNETHY FEDERAL BUILDING
ABERDEEN, MS
PMS-0083-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
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 reduction other than reductions 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
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 152,000 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 7, 2020