

number of students who are eligible for and participating in the Johnson-O'Malley Program and recommend a methodology to distribute funds in the future. Yet, to date, the BIE has not conducted an accurate student count.

S. 943 amends the Johnson-O'Malley Act to require the Department of the Interior to update its count of students who are served by the Johnson-O'Malley Program each year. The legislation strengthens program accountability and oversight by requiring program contractors to report the amounts and purposes for which funds are spent. This will provide sufficient information to conduct the necessary oversight of the program.

The bill also directs program facilitators to submit an annual program assessment report to Congress, and establishes a consultation process between the Secretary of the Interior and Tribal schools so that students may be better served.

We owe it to Native students to make this well-intentioned program as effective as it can be, and I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of S. 943, the Johnson-O'Malley Supplemental Indian Education Program Modernization Act.

The abysmal conditions and status of education attainment and achievement of American Indian children and students continues. This educational gap for American Indian students continues to lag behind all other students in this country.

This bill would require the Department of the Interior to annually update the count of American Indian and Alaska Native students so the Department can more accurately distribute Johnson-O'Malley funds which supplement Indian education. The bill would also require grantees to report how funds are being used, helping to ensure Federal dollars support Native students' education.

The Federal Government has a responsibility to provide parity in resources to Native education. Currently, the Department is prevented from updating the count because of an effort, from over 20 years ago, to cut spending through the use of block grants.

Congress, at the time, determined one way to reduce funding for Indian education was to freeze efforts to count the number of Native students. As a result, the Department of the Interior continues to use the 1994 number of 272,000 Native students, even though it is estimated, based on Census reports, that there are now more than 750,000 Native students. This policy is just another in a long list of the second-class treatment of American Indians by our government.

I want to thank my colleague, BETTY MCCOLLUM, for introducing this version of the legislation and my Republican

colleagues, TOM COLE and DON YOUNG, for providing bipartisan support. My hope is that the passage of this bill is a first step, however small it may be, to righting a wrong to American Indian students.

Mr. Speaker, I urge my colleagues to support S. 943, and I yield back the balance of my time.

Mr. ESTES of Kansas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I mentioned, the last official count of eligible students was conducted in 1995, which determined that there were nearly 272,000 American Indian students who were qualified for the Johnson-O'Malley Program. However, in 2017, the Congressional Budget Office estimated that there were an additional 80,000 students who would qualify. Clearly, this bill is needed and overdue.

Currently, the program receives \$14.9 million, annually, in funding. Modernization of this act will cost an estimated \$13 million over the next 4 years. This is an important investment in the future of our country, and those students deserve our support.

This legislation improves and strengthens the Johnson-O'Malley Program, and I urge my colleagues to support S. 943.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. ESTES) that the House suspend the rules and pass the bill, S. 943, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ADVANCED NUCLEAR FUEL AVAILABILITY ACT

Mr. FLORES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6140) to require the Secretary of Energy to establish and carry out a program to support the availability of HA-LEU for domestic commercial use, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6140

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Advanced Nuclear Fuel Availability Act".

#### SEC. 2. PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and carry out, through the Office of Nuclear Energy, a program to support the availability of HA-LEU for domestic commercial use.

(b) PROGRAM ELEMENTS.—In carrying out the program under subsection (a), the Secretary—

(1) may provide financial assistance to assist commercial entities to design and license transportation packages for HA-LEU,

including canisters for metal, gas, and other HA-LEU compositions;

(2) shall, to the extent practicable—

(A) by January 1, 2021, have commercial entities submit such transportation package designs to the Commission for certification by the Commission under part 71 of title 10, Code of Federal Regulations; and

(B) encourage the Commission to have such transportation package designs so certified by the Commission by January 1, 2023;

(3) not later than January 1, 2020, shall submit to Congress a report on the Department's uranium inventory that may be available to be processed to HA-LEU for purposes of such program, which may not include any uranium allocated by the Secretary for use in support of the atomic energy defense activities of the National Nuclear Security Administration;

(4) not later than one year after the date of enactment of this Act, and biennially thereafter through September 30, 2025, shall conduct a survey of stakeholders to estimate the quantity of HA-LEU necessary for domestic commercial use for each of the five subsequent years;

(5) shall assess options available for the Secretary to acquire HA-LEU for such program, including an assessment, for each such option, of the cost and amount of time required;

(6) shall establish a consortium, which may include entities involved in any stage of the nuclear fuel cycle, to partner with the Department to support the availability of HA-LEU for domestic commercial use, including by—

(A) providing information to the Secretary for purposes of surveys conducted under paragraph (4); and

(B) purchasing HA-LEU made available to members of the consortium by the Secretary under the program;

(7) shall, prior to acquiring HA-LEU under paragraph (8), in coordination with the consortium established pursuant to paragraph (6), develop a schedule for cost recovery of HA-LEU made available to members of the consortium pursuant to paragraph (8);

(8) may, beginning not later than 3 years after the establishment of a consortium under paragraph (6), acquire HA-LEU, in order, to the extent practicable, to make such HA-LEU available to members of the consortium beginning not later than January 1, 2025, in amounts that are consistent, to the extent practicable, with the quantities estimated under the surveys conducted under paragraph (4); and

(9) shall develop, in consultation with the Commission, criticality benchmark data to assist the Commission in—

(A) the licensing and regulation of category II spent nuclear material fuel fabrication and enrichment facilities under part 70 of title 10, Code of Federal Regulations; and

(B) certification of transportation packages under part 71 of title 10, Code of Federal Regulations.

(c) APPLICABILITY OF USEC PRIVATIZATION ACT.—The requirements of subparagraphs (A) and (C) of section 3112(d)(2) of the USEC Privatization Act (42 U.S.C. 2297h-10(d)(2)) shall apply to a sale or transfer of HA-LEU by the Secretary to a member of the consortium under this section.

(d) FUNDING.—

(1) TRANSPORTATION PACKAGE DESIGN.—

(A) COST SHARE.—The Secretary shall ensure that not less than 20 percent of the costs of design and license activities carried out pursuant to subsection (b)(1) are paid by a non-Federal entity.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (b)(1)—

(i) \$1,500,000 for fiscal year 2019;

- (ii) \$1,500,000 for fiscal year 2020; and
- (iii) \$1,500,000 for fiscal year 2021.

(2) DOE ACQUISITION OF HA-LEU.—The Secretary may not make commitments under this section (including cooperative agreements (used in accordance with section 6305 of title 31, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HA-LEU unless funds are specifically provided for such purposes in advance in subsequent appropriations Acts, and only to the extent that the full extent of anticipated costs stemming from such commitments is recorded as an obligation up front and in full at the time it is made.

(3) OTHER COSTS.—Except as otherwise provided in this subsection, in carrying out this section, the Secretary shall use amounts otherwise authorized to be appropriated to the Secretary.

(e) SUNSET.—The authority of the Secretary to carry out the program under this section shall expire on September 30, 2033.

### SEC. 3. REPORT TO CONGRESS.

Not later than 12 months after the date of enactment of this Act, the Commission shall submit to Congress a report that includes—

(1) identification of updates to regulations, certifications, and other regulatory policies that the Commission determines are necessary in order for HA-LEU to be commercially available, including—

(A) guidance for material control and accountability of category II special nuclear material;

(B) certifications relating to transportation packaging for HA-LEU; and

(C) licensing of enrichment, conversion, and fuel fabrication facilities for HA-LEU, and associated physical security plans for such facilities;

(2) a description of such updates; and

(3) a timeline to complete such updates.

### SEC. 4. DEFINITIONS.

In this Act:

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

(2) DEPARTMENT.—The term “Department” means Department of Energy.

(3) HA-LEU.—The term “HA-LEU” means high-assay low-enriched uranium.

(4) HIGH-ASSAY LOW-ENRICHED URANIUM.—The term “high-assay low-enriched uranium” means uranium having an assay greater than 5.0 percent and less than 20.0 percent enrichment of the uranium-235 isotope.

(5) SECRETARY.—The term “Secretary” means the Secretary of Energy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FLORES) and the gentleman from Texas (Mr. GENE GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. FLORES).

GENERAL LEAVE

Mr. FLORES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FLORES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, nuclear power is a clean and efficient source of zero-emissions energy. Today, it generates approxi-

mately 20 percent of our country’s “always-on, baseload” electricity for our homes and businesses.

Most nuclear reactors currently in use are very similar in nature and operate on a fuel that is generally enriched below 5 percent. The next generation of advanced reactors under development, however, vary in size and operation, and they will require flexibility and efficiencies from an advanced fuel. This fuel, known as high-assay, low-enriched uranium, or HA-LEU, is enriched at higher levels than what is available in the current commercial market.

The bipartisan Advanced Nuclear Fuel Availability Act, which I introduced with my friend, the gentleman from California (Mr. MCNERNEY), establishes a public-private partnership through the Energy Department’s Office of Nuclear Energy to support the availability of HA-LEU for domestic commercial use.

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A March 2017 survey of 18 advanced reactor developers based in the United States found that the lack of availability of advanced fuels is the foremost factor that would impede the development and deployment of advanced reactor technologies.

Simply put, this bill would ensure that there is a supply of advanced fuel available for domestic commercial industry purchase for the advanced reactors of tomorrow.

Global energy demand will continue to increase, and emissions-free nuclear power is the ultimate source to meet those needs for the next generation of electricity. It is important to pass this bill to give American innovators a competitive edge in designing and deploying the reactors of tomorrow.

Mr. Speaker, I thank, again, Mr. MCNERNEY for working with me on this issue, as well as committee leadership and staff for their assistance in bringing this legislation forward.

Mr. Speaker, I urge my colleagues to support this bipartisan measure, and I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6140. This bill is an effort to accelerate the availability of high-assay low-enriched uranium, the fuel needed for most advanced nuclear designs.

There is no existing commercial market for this fuel, so in order to ensure that the fuel is available for advanced reactors once they are licensed and ready to begin producing electricity, the Federal Government will need to coordinate efforts among agencies, and with the commercial nuclear sector, to ensure that high-assay low-enriched uranium can be licensed and safely transported.

You wouldn’t buy a lawnmower if you couldn’t buy gas to run it. Similarly, we need to develop a domestic market for fuel needed to power these

advanced nuclear reactor projects that are coming onto the market in the next decade.

I thank my colleagues on the Energy and Commerce Committee, both Representative FLORES and Representative MCNERNEY, for developing this thoughtful proposal.

Mr. Speaker, I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. FLORES. Mr. Speaker, I continue to reserve the balance of my time until my other colleagues arrive.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCNERNEY), one of the cosponsors of the bill.

Mr. MCNERNEY. Mr. Speaker, I thank Mr. GREEN. I have had the pleasure of serving with Mr. GREEN for about 12 years now, and he has been an incredible colleague. One thing I can say about Mr. GREEN: He is good for his word. When he says he is going to provide something and produce something, he does. So I appreciate the gentleman’s friendship and collegiality.

Mr. Speaker, today, I rise in support of H.R. 6140, the Advanced Nuclear Fuel Availability Act. Every day, we are seeing the devastating effects of climate change, like the deadly wildfires we just had in California; severe flooding around the world; and our Nation’s persistent asthma rates, which continue to threaten public health.

The Federal Government has the responsibility to address climate change by investing in proactive measures to combat this prevailing threat. We need a diverse—and I repeat, diverse—energy mix, including nuclear power, which already generates 60 percent of our Nation’s zero-emissions electricity.

H.R. 6140 is the future of nuclear technology. It creates a pathway for tomorrow’s nuclear reactors so that we will be able to confront the realities of climate change.

This bill directs the Department of Energy to conduct studies, authorizes the Department of Energy to acquire materials, and requires the DOE to develop a schedule to recover these costs.

The availability of high-assay low-enriched uranium is critical to these efforts. Federal investments and protocols regarding the transportation, fuel fabrication, and enrichment to effectively bring this fuel to market are encouraging.

This bill updates the Nuclear Regulatory Commission’s policies and addresses the development of a robust regulatory regime, the options for requiring this type of uranium, and the preparation of the infrastructure required for this fuel.

As we look to the future, small modular reactors, or SMRs, as they are referred to, will be useful in a variety of settings, from microgrids to rural areas. And this type of fuel needs to be available by the time SMRs come to the market.

The consortium that is formed here is the type of partnership that will be useful in kick-starting this technology and then turning it over to let industry take the reins.

I thank my partners on this bill—Mr. FLORES, Mr. UPTON, Mr. WALDEN, and Mr. Pallone—for their leadership on this issue, and I thank our staffs for their work on this critical legislation.

Mr. Speaker, finally, I thank my friend and colleague Mr. GREEN, again, who is retiring this year. He has been a champion for bipartisanship and compromise, and an advocate for sound policy in this Chamber. He will be missed. I will also miss the Speaker who is sitting in the Chair right now.

Mr. Speaker, I urge my colleagues to support H.R. 6140.

Mr. GENE GREEN of Texas. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. FLORES. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is simple. H.R. 6140 will set the stage for powering electricity in the future in a green manner by allowing for the development of those new-generation reactors, but we have to have the fuel to do it. This bill, by working with my good friend Mr. MCNERNEY from California, does that.

This bill passed the subcommittee in the Committee on Energy and Commerce by a unanimous voice vote. It also passed the full committee by a voice vote. It is a bipartisan solution to address a real need to generate electricity, always-on, baseload electricity, in a zero-emissions manner.

Mr. Speaker, I urge all of my colleagues to vote for this important piece of legislation, and I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, H.R. 6140, the "Advanced Nuclear Fuel Availability Act," is a bipartisan bill sponsored by my Energy and Commerce colleagues, BILL FLORES of Texas, along with JERRY MCNERNEY of California.

We considered this bill through regular order in Committee and the Full Committee reported the bill favorably, as amended, by a voice vote.

Imagine designing a new car that is safer, less expensive, and gets triple the mileage than anything we see on the road today. But when the vehicle is ready to hit the road, there is no gas to fill up the tank.

Nuclear innovators face a similar—and very critical—challenge as they work to bring several promising advanced nuclear technologies to the market. These new designs require fuels that have different attributes than what is used in today's fleet of nuclear reactors, but the fuels are not commercially available.

H.R. 6140 addresses this challenge by ensuring nuclear innovators will have the advanced fuels needed to develop and demonstrate their products commercially.

The bill provides a direct path to align advanced nuclear fuel supply with initial demand for the deployment of next generation nuclear technologies. It provides for the development of the technical information necessary to assist the creation of the regulatory and licensing framework for these fuels.

The bill directs the Secretary of Energy to establish a temporary program, operating to

support a public-private partnership, that will make what is known as high-assay low-enriched uranium available for use in the first-of-a-kind advanced nuclear reactor designs. It provides for the surveys and information necessary to inform the new market development and cost recovery for initial federal investments.

In short, the Advanced Nuclear Fuel Availability Act takes practical, targeted steps to ensure the infrastructure will be in place in time to enable the development and deployment of a new generation of nuclear technologies in the United States.

This is an important bill for ensuring the nation's international leadership on nuclear technology, for ensuring our energy security, and achieving our clean energy goals.

I urge all of my colleagues to support H.R. 6140.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FLORES) that the House suspend the rules and pass the bill, H.R. 6140, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### IMPROVING MEDICAID PROGRAMS AND OPPORTUNITIES FOR ELIGIBLE BENEFICIARIES ACT

Mr. BARTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7217) to amend title XIX of the Social Security Act to provide States with the option of providing coordinated care for children with complex medical conditions through a health home, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7217

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving Medicaid Programs and Opportunities for Eligible Beneficiaries Act" or the "IMPROVE Act".

#### TITLE I—ACE KIDS

##### SEC. 101. STATE OPTION TO PROVIDE COORDINATED CARE THROUGH A HEALTH HOME FOR CHILDREN WITH MEDICALLY COMPLEX CONDITIONS.

Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1945 the following new section:

##### "SEC. 1945A. STATE OPTION TO PROVIDE COORDINATED CARE THROUGH A HEALTH HOME FOR CHILDREN WITH MEDICALLY COMPLEX CONDITIONS.

"(a) IN GENERAL.—Notwithstanding section 1902(a)(1) (relating to statewideness) and section 1902(a)(10)(B) (relating to comparability), beginning October 1, 2022, a State, at its option as a State plan amendment, may provide for medical assistance under this title to children with medically complex conditions who choose to enroll in a health home under this section by selecting a designated provider, a team of health care professionals operating with such a provider, or a health team as the child's health home

for purposes of providing the child with health home services.

"(b) HEALTH HOME QUALIFICATION STANDARDS.—The Secretary shall establish standards for qualification as a health home for purposes of this section. Such standards shall include requiring designated providers, teams of health care professionals operating with such providers, and health teams to demonstrate to the State the ability to do the following:

"(1) Coordinate prompt care for children with medically complex conditions, including access to pediatric emergency services at all times.

"(2) Develop an individualized comprehensive pediatric family-centered care plan for children with medically complex conditions that accommodates patient preferences.

"(3) Work in a culturally and linguistically appropriate manner with the family of a child with medically complex conditions to develop and incorporate into such child's care plan, in a manner consistent with the needs of the child and the choices of the child's family, ongoing home care, community-based pediatric primary care, pediatric inpatient care, social support services, and local hospital pediatric emergency care.

"(4) Coordinate access to—

"(A) subspecialized pediatric services and programs for children with medically complex conditions, including the most intensive diagnostic, treatment, and critical care levels as medically necessary; and

"(B) palliative services if the State provides such services under the State plan (or a waiver of such plan).

"(5) Coordinate care for children with medically complex conditions with out-of-State providers furnishing care to such children to the maximum extent practicable for the families of such children and where medically necessary, in accordance with guidance issued under subsection (e)(1) and section 431.52 of title 42, Code of Federal Regulations.

"(6) Collect and report information under subsection (g)(1).

"(c) PAYMENTS.—

"(1) IN GENERAL.—A State shall provide a designated provider, a team of health care professionals operating with such a provider, or a health team with payments for the provision of health home services to each child with medically complex conditions that selects such provider, team of health care professionals, or health team as the child's health home. Payments made to a designated provider, a team of health care professionals operating with such a provider, or a health team for such services shall be treated as medical assistance for purposes of section 1903(a), except that, during the first 2 fiscal year quarters that the State plan amendment is in effect, the Federal medical assistance percentage applicable to such payments shall be increased by 15 percentage points, but in no case may exceed 90 percent.

"(2) METHODOLOGY.—

"(A) IN GENERAL.—The State shall specify in the State plan amendment the methodology the State will use for determining payment for the provision of health home services. Such methodology for determining payment—

"(i) may be tiered to reflect, with respect to each child with medically complex conditions provided such services by a designated provider, a team of health care professionals operating with such a provider, or a health team, the severity or number of each such child's chronic conditions, life-threatening illnesses, disabilities, or rare diseases, or the specific capabilities of the provider, team of health care professionals, or health team; and