The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MASSIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

NUCLEAR ENERGY INNOVATION AND MODERNIZATION ACT

Mr. KINZINGER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 512) to modernize the regulation of nuclear energy.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 512

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Nuclear Energy Innovation and Modernization Act''.

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

SEC. 2. PURPOSE.

The purpose of this Act is to provide—

(1) a program to develop the expertise and regulatory processes necessary to allow innovation and the commercialization of advanced nuclear reactors;

(2) a revised fee recovery structure to ensure the availability of resources to meet industry needs without burdening existing licensees unfairly for inaccurate workload projections or premature existing reactor closures; and

(3) more efficient regulation of uranium recovery.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVANCED NUCLEAR REACTOR.—The term ''advanced nuclear reactor'' means a nuclear fission or fusion reactor, including a prototype plant (as defined in sections 50.2 and 52.1 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act)), with significant improvements compared to commercial nuclear reactors under construction as of the date of enactment of this Act, including improvements such as—

(A) additional inherent safety features;

(B) significantly lower levelized cost of electricity;

(C) lower waste yields;

(D) greater fuel utilization;

(E) enhanced reliability;

(F) increased proliferation resistance;

(G) increased thermal efficiency; or

(H) ability to integrate into electric and nonelectric applications.

(2) ADVANCED NUCLEAR REACTOR FUEL.—The term ''advanced nuclear reactor fuel'' means fuel for use in an advanced nuclear reactor or a research and test reactor, including fuel with a low uranium enrichment level of not greater than 20 percent.

(3) AGREEMENT STATE.—The term ''Agreement State'' means any State with which the Commission has entered into an effective agreement under section 274 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2021(b)).

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(5) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(6) CONCEPTUAL DESIGN ASSESSMENT.—The term ''conceptual design assessment'' means an early-stage review by the Commission that—

(A) assesses preliminary design information for consistency with applicable regulatory requirements of the Commission;

(B) is performed on a set of topic areas agreed to in the licensing project plan; and

(C) is performed at a cost and schedule agreed to in the licensing project plan.

(7) CORPORATE SUPPORT COSTS.—The term ''corporate support costs'' means expenditures for acquisitions, administrative services, financial management, human resource management, information management, information technology, policy support, outreach, and training, as those categories are described and calculated in Appendix A of the Congressional Budget Justification for Fiscal Year 2018 of the Commission.

(8) LICENSING PROJECT PLAN.—The term ''licensing project plan'' means a plan that describes—

(A) the interactions between an applicant and the Commission; and

(B) project schedules and deliverables in specific detail to support long-range resource planning undertaken by the Commission and an applicant.

(9) REGULATORY FRAMEWORK.—The term ''regulatory framework'' means the framework for reviewing requests for certifications, permits, approvals, and licenses for nuclear reactors.

(10) REQUESTED ACTIVITY OF THE COMMISSION.—The term ''requested activity of the Commission'' means—

(A) the processing of applications for—

(i) design certifications or approvals;

(ii) licenses;

(iii) permits;

(iv) license amendments;

(v) license renewals;

(vi) certificates of compliance; and

(vii) power uprates; and

(B) any other activity requested by a licensee or applicant.

(11) RESEARCH AND TEST REACTOR.—

(A) IN GENERAL.—The term ''research and test reactor'' means a reactor that—

(i) falls within the licensing and related regulatory authority of the Commission under section 202 of the Energy Reorganization Act of 1974 (42 U.S.C. 5842); and

(ii) is useful in the conduct of research and development activities as licensed under section 104 c. of the Atomic Energy Act (42 U.S.C. 2134(c)).

(B) EXCLUSION.—The term ''research and test reactor'' does not include a commercial nuclear reactor.

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(13) STANDARD DESIGN APPROVAL.—The term ''standard design approval'' means the approval of a final standard design or a major portion of a final design standard as described in subpart E of part 52 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(14) TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK.—The term ''technology-inclusive regulatory framework'' means a regulatory framework developed using methods of evaluation that are flexible and practicable for application to a variety of reactor technologies, including, where appropriate, the use of risk-informed and performance-based techniques and other tools and methods.

(15) TOPICAL REPORT.—The term ''topical report'' means a document submitted to the Commission that addresses a technical topic related to nuclear reactor safety or design.

TITLE I—ADVANCED NUCLEAR REACTORS AND USER FEES

SEC. 101. NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES THROUGH FISCAL YEAR 2020.

(a) IN GENERAL.—Section 6101(c)(2)(A) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(c)(2)(A)) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(v) amounts appropriated to the Commission for the fiscal year for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies, including activities required under section 103 of the Nuclear Energy Innovation and Modernization Act.''.

(b) REPEAL.—Effective October 1, 2020, section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is repealed.

SEC. 102. NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER.

(a) ANNUAL BUDGET JUSTIFICATION.—

(1) IN GENERAL.—In the annual budget justification submitted by the Commission to Congress, the Commission shall expressly identify anticipated expenditures necessary for completion of the requested activities of the Commission anticipated to occur during the applicable fiscal year.

(2) RESTRICTION.—Budget authority granted to the Commission for purposes of the requested activities of the Commission shall be used, to the maximum extent practicable, solely for conducting requested activities of the Commission.

(3) LIMITATION ON CORPORATE SUPPORT COSTS.—With respect to the annual budget justification submitted to Congress, corporate support costs, to the maximum extent practicable, shall not exceed the following percentages of the total budget authority of the Commission requested in the annual budget justification:

(A) 30 percent for each of fiscal years 2021 and 2022.

(B) 29 percent for each of fiscal years 2023 and 2024.

(C) 28 percent for fiscal year 2025 and each fiscal year thereafter.

(b) FEES AND CHARGES.—

(1) ANNUAL ASSESSMENT.—

(A) IN GENERAL.—Each fiscal year, the Commission shall assess and collect fees and charges in accordance with paragraphs (2) and (3) in a manner that ensures that, to the maximum extent practicable, the amount assessed and collected is equal to an amount that approximates—

(i) the total budget authority of the Commission for that fiscal year; less

(ii) the budget authority of the Commission for the activities described in subparagraph (B).

(B) EXCLUDED ACTIVITIES DESCRIBED.—The activities referred to in subparagraph (A)(ii) are the following:

(i) Any fee relief activity, as identified by the Commission.

(ii) Amounts appropriated for a fiscal year to the Commission—

(I) from the Nuclear Waste Fund established under section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c));

(II) for implementation of section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2601 note; Public Law 108–375);

(III) for the homeland security activities of the Commission (other than for the costs of fingerprinting and background checks required under section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169) and the costs of conducting security inspections);

(IV) for the Inspector General services of the Commission provided to the Defense Nuclear Facilities Safety Board;

(V) for research and development at universities in areas relevant to the mission of the Commission; and

(VI) for a nuclear science and engineering grant program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

(iii) Costs for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies, including activities required under section 103.

(C) EXCEPTION.—The exclusion described in subparagraph (B)(iii) shall cease to be effective on January 1, 2031.

(D) REPORT.—Not later than December 31, 2029, the Commission shall submit to the Committee on Appropriations and the Committee on Environment and Public Works of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report describing the views of the Commission on the continued appropriateness and necessity of the funding described in subparagraph (B)(iii).

(2) FEES FOR SERVICE OR THING OF VALUE.—In accordance with section 9701 of title 31, United States Code, the Commission shall assess and collect fees from any person who receives a service or thing of value from the Commission to cover the costs to the Commission of providing the service or thing of value.

(3) ANNUAL CHARGES.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in subparagraph (D), the Commission may charge to any licensee or certificate holder of the Commission an annual charge in addition to the fees assessed and collected under paragraph (2).

(B) CAP ON ANNUAL CHARGES OF CERTAIN LICENSEES.—

(i) OPERATING REACTORS.—The annual charge under subparagraph (A) charged to an operating reactor licensee, to the maximum extent practicable, shall not exceed the annual fee amount per operating reactor licensee established in the final rule of the Commission entitled ''Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015'' (80 Fed. Reg. 37432 (June 30, 2015)), as may be adjusted annually by the Commission to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.

(ii) WAIVER.—The Commission may waive, for a period of 1 year, the cap on annual charges described in clause (i) if the Commission submits to the Committee on Appropriations and the Committee on Environment and Public Works of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a written determination that the cap on annual charges may compromise the safety and security mission of the Commission.

(C) AMOUNT PER LICENSEE.—

(i) IN GENERAL.—The Commission shall establish by rule a schedule of annual charges fairly and equitably allocating the aggregate amount of charges described in subparagraph (A) among licensees and certificate holders.

(ii) REQUIREMENT.—The schedule of annual charges under clause (i)—

(I) to the maximum extent practicable, shall be reasonably related to the cost of providing regulatory services; and

(II) may be based on the allocation of the resources of the Commission among licensees or certificate holders or classes of licensees or certificate holders.

(D) EXEMPTION.—

(i) DEFINITION OF RESEARCH REACTOR.—In this subparagraph, the term ''research reactor'' means a nuclear reactor that—

(I) is licensed by the Commission under section 104 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(c)) for operation at a thermal power level of not more than 10 megawatts; and

(II) if licensed under subclause (I) for operation at a thermal power level of more than 1 megawatt, does not contain—

(aa) a circulating loop through the core in which the licensee conducts fuel experiments;

(bb) a liquid fuel loading; or

(cc) an experimental facility in the core in excess of 16 square inches in cross-section.

(ii) EXEMPTION.—Subparagraph (A) shall not apply to the holder of any license for a federally owned research reactor used primarily for educational training and academic research purposes.

(c) PERFORMANCE AND REPORTING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall develop for the requested activities of the Commission—

(A) performance metrics; and

(B) milestone schedules.

(2) DELAYS IN ISSUANCE OF FINAL SAFETY EVALUATION.—The Executive Director for Operations of the Commission shall inform the Commission of a delay in issuance of the final safety evaluation for a requested activity of the Commission by the completion date required by the performance metrics or milestone schedule under paragraph (1) by not later than 30 days after the completion date.

(3) DELAYS IN ISSUANCE OF FINAL SAFETY EVALUATION EXCEEDING 180 DAYS.—If the final safety evaluation for the requested activity of the Commission described in paragraph (2) is not completed by the date that is 180 days after the completion date required by the performance metrics or milestone schedule under paragraph (1), the Commission shall submit to the appropriate congressional committees a timely report describing the delay, including a detailed explanation accounting for the delay and a plan for timely completion of the final safety evaluation.

(d) ACCURATE INVOICING.—With respect to invoices for fees described in subsection (b)(2), the Commission shall—

(1) ensure appropriate review and approval prior to the issuance of invoices;

(2) develop and implement processes to audit invoices to ensure accuracy, transparency, and fairness; and

(3) modify regulations to ensure fair and appropriate processes to provide licensees and applicants an opportunity to efficiently dispute or otherwise seek review and correction of errors in invoices for those fees.

(e) REPORT.—Not later than September 30, 2021, the Commission shall submit to the Committee on Appropriations and the Committee on Environment and Public Works of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report describing the implementation of this section, including any impacts and recommendations for improvement.

(f) EFFECTIVE DATE.—Except as provided in subsection (c), this section takes effect on October 1, 2020.

SEC. 103. ADVANCED NUCLEAR REACTOR PROGRAM.

(a) LICENSING.—

(1) STAGED LICENSING.—For the purpose of predictable, efficient, and timely reviews, not later than 270 days after the date of enactment of this Act, the Commission shall develop and implement, within the existing regulatory framework, strategies for—

(A) establishing stages in the licensing process for commercial advanced nuclear reactors; and

(B) developing procedures and processes for—

(i) using a licensing project plan; and

(ii) optional use of a conceptual design assessment.

(2) RISK-INFORMED LICENSING.—Not later than 2 years after the date of enactment of this Act, the Commission shall develop and implement, where appropriate, strategies for the increased use of risk-informed, performance-based licensing evaluation techniques and guidance for commercial advanced nuclear reactors within the existing regulatory framework, including evaluation techniques and guidance for the resolution of the following:

(A) Applicable policy issues identified during the course of review by the Commission of a commercial advanced nuclear reactor licensing application.

(B) The issues described in SECY–93–092 and SECY–15–077, including—

(i) licensing basis event selection and evaluation;

(ii) source terms;

(iii) containment performance; and

(iv) emergency preparedness.

(3) RESEARCH AND TEST REACTOR LICENSING.—For the purpose of predictable, efficient, and timely reviews, not later than 2 years after the date of enactment of this Act, the Commission shall develop and implement strategies within the existing regulatory framework for licensing research and test reactors, including the issuance of guidance.

(4) TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK.—Not later than December 31, 2027, the Commission shall complete a rulemaking to establish a technology-inclusive, regulatory framework for optional use by commercial advanced nuclear reactor applicants for new reactor license applications.

(5) TRAINING AND EXPERTISE.—As soon as practicable after the date of enactment of this Act, the Commission shall provide for staff training or the hiring of experts, as necessary—

(A) to support the activities described in paragraphs (1) through (4); and

(B) to support preparations—

(i) to conduct pre-application interactions; and

(ii) to review commercial advanced nuclear reactor license applications.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission to carry out this subsection $14,420,000 for each of fiscal years 2020 through 2024.

(b) REPORT TO ESTABLISH STAGES IN THE COMMERCIAL ADVANCED NUCLEAR REACTOR LICENSING PROCESS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report for expediting and establishing stages in the licensing process for commercial advanced nuclear reactors that will allow implementation of the licensing process by not later than 2 years after the date of enactment of this Act (referred to in this subsection as the ''report'').

(2) COORDINATION AND STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from the Secretary, the nuclear energy industry, a diverse set of technology developers, and other public stakeholders.

(3) COST AND SCHEDULE ESTIMATES.—The report shall include proposed cost estimates, budgets, and timeframes for implementing strategies to establish stages in the licensing process for commercial advanced nuclear reactor technologies.

(4) REQUIRED EVALUATIONS.—Consistent with the role of the Commission in protecting public health and safety and common defense and security, the report shall evaluate—

(A)(i) the unique aspects of commercial advanced nuclear reactor licensing, including the use of alternative coolants, operation at or near atmospheric pressure, and the use of passive safety strategies;

(ii) strategies for the qualification of advanced nuclear reactor fuel, including the use of computer modeling and simulation and experimental validation; and

(iii) for the purposes of predictable, efficient, and timely reviews, any associated legal, regulatory, and policy issues the Commission should address with regard to the licensing of commercial advanced nuclear reactor technologies;

(B) options for licensing commercial advanced nuclear reactors under the regulations of the Commission contained in title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act), including—

(i) the development and use under the regulatory framework of the Commission in effect on the date of enactment of this Act of a licensing project plan that could establish—

(I) milestones that—

(aa) correspond to stages of a licensing process for the specific situation of a commercial advanced nuclear reactor project; and

(bb) use knowledge of the ability of the Commission to review certain design aspects; and

(II) guidelines defining the roles and responsibilities between the Commission and the applicant at the onset of the interaction—

(aa) to provide the foundation for effective communication and effective project management; and

(bb) to ensure efficient progress;

(ii) the use of topical reports, standard design approval, and other appropriate mechanisms as tools to introduce stages into the commercial advanced nuclear reactor licensing process, including how the licensing project plan might structure the use of those mechanisms;

(iii) collaboration with standards-setting organizations to identify specific technical areas for which new or updated standards are needed and providing assistance if appropriate to ensure the new or updated standards are developed and finalized in a timely fashion;

(iv) the incorporation of consensus-based codes and standards developed under clause (iii) into the regulatory framework—

(I) to provide predictability for the regulatory processes of the Commission; and

(II) to ensure timely completion of specific licensing actions;

(v) the development of a process for, and the use of, conceptual design assessments; and

(vi) identification of any policies and guidance for staff that will be needed to implement clauses (i) and (ii);

(C) options for improving the efficiency, timeliness, and cost-effectiveness of licensing reviews of commercial advanced nuclear reactors, including opportunities to minimize the delays that may result from any necessary amendment or supplement to an application;

(D) options for improving the predictability of the commercial advanced nuclear reactor licensing process, including the evaluation of opportunities to improve the process by which application review milestones are established and met; and

(E) the extent to which Commission action or modification of policy is needed to implement any part of the report.

(c) REPORT TO INCREASE THE USE OF RISK-INFORMED AND PERFORMANCE-BASED EVALUATION TECHNIQUES AND REGULATORY GUIDANCE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report for increasing, where appropriate, the use of risk-informed and performance-based evaluation techniques and regulatory guidance in licensing commercial advanced nuclear reactors within the existing regulatory framework (referred to in this subsection as the ''report'').

(2) COORDINATION AND STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from the Secretary, the nuclear energy industry, technology developers, and other public stakeholders.

(3) COST AND SCHEDULE ESTIMATE.—The report shall include proposed cost estimates, budgets, and timeframes for implementing a strategy to increase the use of risk-informed and performance-based evaluation techniques and regulatory guidance in licensing commercial advanced nuclear reactors.

(4) REQUIRED EVALUATIONS.—Consistent with the role of the Commission in protecting public health and safety and common defense and security, the report shall evaluate—

(A) the ability of the Commission to develop and implement, where appropriate, risk-informed and performance-based licensing evaluation techniques and guidance for commercial advanced nuclear reactors within existing regulatory frameworks not later than 2 years after the date of enactment of this Act, including policies and guidance for the resolution of—

(i) issues relating to—

(I) licensing basis event selection and evaluation;

(II) use of mechanistic source terms;

(III) containment performance;

(IV) emergency preparedness; and

(V) the qualification of advanced nuclear reactor fuel; and

(ii) other policy issues previously identified; and

(B) the extent to which Commission action is needed to implement any part of the report.

(d) REPORT TO PREPARE THE RESEARCH AND TEST REACTOR LICENSING PROCESS.—

(1) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report for preparing the licensing process for research and test reactors within the existing regulatory framework (referred to in this subsection as the ''report'').

(2) COORDINATION AND STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from the Secretary, the nuclear energy industry, a diverse set of technology developers, and other public stakeholders.

(3) COST AND SCHEDULE ESTIMATES.—The report shall include proposed cost estimates, budgets, and timeframes for preparing the licensing process for research and test reactors.

(4) REQUIRED EVALUATIONS.—Consistent with the role of the Commission in protecting public health and safety and common defense and security, the report shall evaluate—

(A) the unique aspects of research and test reactor licensing and any associated legal, regulatory, and policy issues the Commission should address to prepare the licensing process for research and test reactors;

(B) the feasibility of developing guidelines for advanced reactor demonstrations and prototypes to support the review process for advanced reactors designs, including designs that use alternative coolants or alternative fuels, operate at or near atmospheric pressure, and use passive safety strategies; and

(C) the extent to which Commission action or modification of policy is needed to implement any part of the report.

(e) REPORT TO COMPLETE A RULEMAKING TO ESTABLISH A TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK FOR OPTIONAL USE BY COMMERCIAL ADVANCED NUCLEAR REACTOR TECHNOLOGIES IN NEW REACTOR LICENSE APPLICATIONS AND TO ENHANCE COMMISSION EXPERTISE RELATING TO ADVANCED NUCLEAR REACTOR TECHNOLOGIES.—

(1) REPORT REQUIRED.—Not later than 30 months after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report (referred to in this subsection as the ''report'') for—

(A) completing a rulemaking to establish a technology-inclusive regulatory framework for optional use by applicants in licensing commercial advanced nuclear reactor technologies in new reactor license applications; and

(B) ensuring that the Commission has adequate expertise, modeling, and simulation capabilities, or access to those capabilities, to support the evaluation of commercial advanced reactor license applications, including the qualification of advanced nuclear reactor fuel.

(2) COORDINATION AND STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from the Secretary, the nuclear energy industry, a diverse set of technology developers, and other public stakeholders.

(3) COST AND SCHEDULE ESTIMATE.—The report shall include proposed cost estimates, budgets, and timeframes for developing and implementing a technology-inclusive regulatory framework for licensing commercial advanced nuclear reactor technologies, including completion of a rulemaking.

(4) REQUIRED EVALUATIONS.—Consistent with the role of the Commission in protecting public health and safety and common

defense and security, the report shall evaluate—

(A) the ability of the Commission to complete a rulemaking to establish a technology-inclusive regulatory framework for licensing commercial advanced nuclear reactor technologies by December 31, 2027;

(B) the extent to which additional legislation, or Commission action or modification of policy, is needed to implement any part of the new regulatory framework;

(C) the need for additional Commission expertise, modeling, and simulation capabilities, or access to those capabilities, to support the evaluation of licensing applications for commercial advanced nuclear reactors and research and test reactors, including applications that use alternative coolants or alternative fuels, operate at or near atmospheric pressure, and use passive safety strategies; and

(D) the budgets and timeframes for acquiring or accessing the necessary expertise to support the evaluation of license applications for commercial advanced nuclear reactors and research and test reactors.

SEC. 104. BAFFLE-FORMER BOLT GUIDANCE.

(a) REVISIONS TO GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Commission shall publish any necessary revisions to the guidance on the baseline examination schedule and subsequent examination frequency for baffle-former bolts in pressurized water reactors with down-flow configurations.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees—

(1) a report explaining any revisions made to the guidance described in subsection (a); or

(2) if no revisions were made, a report explaining why the guidance, as in effect on the date of submission of the report, is sufficient.

SEC. 105. EVACUATION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report describing the actions the Commission has taken, or plans to take, to consider lessons learned since September 11, 2001, Superstorm Sandy, Fukushima, and other recent natural disasters regarding directed or spontaneous evacuations in densely populated urban and suburban areas.

(b) INCLUSIONS.—The report under subsection (a) shall—

(1) describe the actions of the Commission—

(A) to consider the results from—

(i) the State-of-the-Art Reactor Consequence Analyses project; and

(ii) the current examination by the Commission of emergency planning zones for small modular reactors and advanced nuclear reactors; and

(B) to monitor international reviews, including reviews conducted by—

(i) the United Nations Scientific Committee on the Effects of Atomic Radiation;

(ii) the World Health Organization; and

(iii) the Fukushima Health Management Survey; and

(2) with respect to a disaster similar to a disaster described in subsection (a), include information about—

(A) potential shadow evacuations in response to the disaster; and

(B) what levels of self-evacuation should be expected during the disaster, including outside the 10-mile evacuation zone.

(c) CONSULTATION REQUIRED.—The report under subsection (a) shall be prepared after consultation with—

(1) the Federal Radiological Preparedness Coordinating Committee;

(2) State emergency planning officials from States that the Commission determines to be relevant to the report; and

(3) experts in analyzing human behavior and probable responses to a radiological emission event.

SEC. 106. ENCOURAGING PRIVATE INVESTMENT IN RESEARCH AND TEST REACTORS.

(a) PURPOSE.—The purpose of this section is to encourage private investment in research and test reactors.

(b) RESEARCH AND DEVELOPMENT ACTIVITIES.—Section 104 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(c)) is amended—

(1) in the first sentence, by striking ''and which are not facilities of the type specified in subsection 104 b.'' and inserting a period; and

(2) by adding at the end the following: ''The Commission is authorized to issue licenses under this section for utilization facilities useful in the conduct of research and development activities of the types specified in section 31 in which the licensee sells research and testing services and energy to others, subject to the condition that the licensee shall recover not more than 75 percent of the annual costs to the licensee of owning and operating the facility through sales of nonenergy services, energy, or both, other than research and development or education and training, of which not more than 50 percent may be through sales of energy.''.

SEC. 107. COMMISSION REPORT ON ACCIDENT TOLERANT FUEL.

(a) DEFINITION OF ACCIDENT TOLERANT FUEL.—In this section, the term ''accident tolerant fuel'' means a new technology that—

(1) makes an existing commercial nuclear reactor more resistant to a nuclear incident (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)); and

(2) lowers the cost of electricity over the licensed lifetime of an existing commercial nuclear reactor.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report describing the status of the licensing process of the Commission for accident tolerant fuel.

SEC. 108. REPORT IDENTIFYING BEST PRACTICES FOR ESTABLISHMENT AND OPERATION OF LOCAL COMMUNITY ADVISORY BOARDS.

(a) BEST PRACTICES REPORT.—Not later than 18 months after the date of enactment of this Act, the Commission shall submit to Congress, and make publicly available, a report identifying best practices with respect to the establishment and operation of a local community advisory board to foster communication and information exchange between a licensee planning for and involved in decommissioning activities and members of the community that decommissioning activities may affect, including lessons learned from any such board in existence before the date of enactment of this Act.

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

(1) a description of—

(A) the topics that could be brought before a local community advisory board;

(B) how such a board's input could be used to inform the decision-making processes of stakeholders for various decommissioning activities;

(C) what interactions such a board could have with the Commission and other Federal regulatory bodies to support the board members' overall understanding of the decommissioning process and promote dialogue between the affected stakeholders and the licensee involved in decommissioning activities; and

(D) how such a board could offer opportunities for public engagement throughout all phases of the decommissioning process;

(2) a discussion of the composition of a local community advisory board; and

(3) best practices relating to the establishment and operation of a local community advisory board, including—

(A) the time of establishment of such a board;

(B) the frequency of meetings of such a board;

(C) the selection of board members;

(D) the term of board members;

(E) the responsibility for logistics required to support such a board's meetings and other routine activities; and

(F) any other best practices relating to such a local community advisory board that are identified by the Commission.

(c) CONSULTATION.—In developing the report described under subsection (a), the Commission shall consult with any host State, any community within the emergency planning zone of an applicable nuclear power reactor, and any existing local community advisory board.

(d) PUBLIC MEETINGS.—

(1) IN GENERAL.—The consultation required under subsection (c) shall include public meetings.

(2) PUBLIC PARTICIPATION.—The public meetings under paragraph (1) shall be conducted under the requirements applicable to category 3 meetings under the policy statement of the Commission entitled ''Enhancing Public Participation in NRC Meetings; Policy Statement'' (67 Fed. Reg. 36920 (May 28, 2002)) (or a successor policy statement).

(3) NUMBER OF MEETINGS.—

(A) IN GENERAL.—The Commission shall conduct not less than 10 public meetings under paragraph (1) in locations that ensure geographic diversity across the United States.

(B) PRIORITY.—In determining locations in which to conduct a public meeting under subparagraph (A), the Commission shall give priority to States that—

(i) have a nuclear power reactor currently undergoing the decommissioning process; and

(ii) request a public meeting under this paragraph.

(4) WRITTEN SUMMARY.—The report under subsection (a) shall include a written summary of the public meetings conducted under paragraph (1).

SEC. 109. REPORT ON STUDY RECOMMENDATIONS.

Not later than 90 days after the date of enactment of this Act, the Commission shall submit to Congress a report describing the status of addressing and implementing the recommendations contained in the memorandum of the Executive Director of Operations of the Commission entitled ''Tasking in Response to the Assessment of the Considerations Identified in a 'Study of Reprisal and Chilling Effect for Raising Mission-Related Concerns and Differing Views at the Nuclear Regulatory Commission' '' and dated June 19, 2018 (ADAMS Accession No.: ML18165A296).

TITLE II—URANIUM

SEC. 201. URANIUM RECOVERY REPORT.

Not later than 90 days after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report describing—

(1) the duration of uranium recovery license issuance and amendment reviews; and

(2) recommendations to improve efficiency and transparency of uranium recovery license issuance and amendment reviews.

SEC. 202. PILOT PROGRAM FOR URANIUM RECOVERY FEES.

Not later than 1 year after the date of enactment of this Act, the Commission shall—

(1) complete a voluntary pilot initiative to determine the feasibility of the establishment of a flat fee structure for routine licensing matters relating to uranium recovery; and

(2) provide to the appropriate congressional committees a report describing the results of the pilot initiative under paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. KINZINGER) and the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. KINZINGER. 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 Illinois?

There was no objection.

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

Mr. Speaker, S. 512 makes targeted, commonsense reforms to the Nuclear Regulatory Commission's fee structure. The current fee structure threatens to unnecessarily increase the Nation's nuclear fleet, including the four plants I am so proud to represent in Illinois.

This bipartisan bill will ensure transparency, predictability, and fairness in the regulatory process, which will help keep the United States as the global leader of clean, safe, and reliable nuclear power.

This bill reflects thoughtful bipartisan and bicameral consensus on what is needed for a robust nuclear industry going forward, and I urge my colleagues to join me in voting to enact these important reforms into law.

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

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the opportunity to speak about S. 512, the Nuclear Energy Innovation and Modernization Act.

This legislation contains language from H.R. 1320, the Nuclear Utilization of Keynote Energy Act, or NUKE Act, that I introduced in the House with my colleague, Representative ADAM KINZINGER. The NUKE Act passed the House in September, and I am glad to see that the Senate has also supported these important priorities for the nuclear industry.

I would like to thank Senators Barrasso and Whitehouse for introducing this legislation in the Senate, and I want to thank my friend, Representative KINZINGER, for working together to advance the NUKE Act in the House.

This legislation is very timely, as the nuclear industry is facing pressure from a variety of factors. Ensuring clarity and reliability for the industry will be an important step, and I believe this legislation accomplishes those goals.

Mr. Speaker, before I conclude, I would like note that my colleague, Representative GENE GREEN, a cosponsor of the NUKE Act is retiring at the end of this Congress. I want to commend Mr. GREEN for his service to the people of Texas, and I want to wish him the best in his retirement.

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

Mr. KINZINGER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I want to thank the Energy and Commerce Committee for giving me an opportunity to, one, speak in support of this bill; and, two, take just a couple of minutes to say what is wrong with this body on one bill that you won't see here today.

Back in January, 2 years ago, H.R. 170, one of the first bills to be dropped, was put into the hopper. It was a bipartisan bill that came from the previous Congress and was dropped on the first day.

H.R. 170 would reform, after more than two decades, the H1B immigration system, which is broken. Today, more people come in under H1B who are not necessary, not qualified, and not, in fact, in short supply any more than any other nanny, housekeeper, or person just to do basic work. The system has been hijacked because it has not been reformed. More than two decades ago, exemptions were placed in if you paid $60,000.

□ 1115

Mr. Speaker, $60,000 was a lot of money in the 1990s, probably not enough for the highest high-tech worker, but pretty good for a brand-new graduate with a master's degree in the STEM field.

Today, we find ourselves, again and again and again, seeing stories about organizations like the University of California-San Francisco, Abbott Labs, and Southern California Edison that hire people who come from other countries, almost exclusively from India, and take away American jobs.

We see time and time again the Americans having to train them, because they don't actually know how to do the jobs. And, yes, they are making $60,001.

This needed to be fixed, and I commend the members of the Judiciary Committee, both majority and minority, because we worked together on a bipartisan bill and passed it unanimously nearly a year ago. And for a year, we asked for a suspension vote.

In these last days, perhaps the last day that I will stand on the floor, I have watched more than 20 bills come across. Some of them are pretty important and noncontroversial; some of them are postal namings and room namings.

The fact is that House leadership on my side of the aisle is responsible for holding back a bill that was needed, that the President would have gladly signed, that he even spoke about to the tech community while he was running for office, that was worked out in a situation in which many companies weren't thrilled with the reform, but they knew it was needed.

Mr. Speaker, I am pleased to vote for the bill that is before us, but H.R. 170 will not see the light of day from my Republican colleagues. Rather, I will call on the new Democratic majority to do what Republicans were not allowed to do. Let there be no doubt: It would have passed overwhelmingly, perhaps unanimously, on the floor.

But if it is not brought up by a new Member and brought to the floor in the first few days, we as a body will be further diminished for having something we know is needed, having something we know was desired and worked out, and, because of some silent force, my own House majority, some Member or Members of the leadership, managed to spike it.

I will tell you, Mr. Speaker, as my last words on the House floor, to be told by each and every member of the leadership, including the whip, the leader, and the Speaker, that they have no problem with this bill, and they know of no reason not to bring it up, to watch it not be brought up and each week be told maybe it will be there next week under suspension, I will tell you, Mr. Speaker, this is what I will remember as our least fine hour, an example of why Americans don't trust Congress. Because, even when we agree on something, virtually unanimously, often a silent force manages to keep something that is noncontroversial from happening.

Mr. Speaker, as I yield back for the last time in my time on the Hill, I want to tell you that it has been a great honor to serve here. It has been the greatest honor of my life.

I wish I could go out not saying to my Democratic colleagues, the new majority: Do in the next Congress H1–B reform, that which you agreed to and which my side failed to do.

Mr. Speaker, with that, I thank the leadership.

Mr. KINZINGER. Mr. Speaker, in conclusion, I ask my colleagues in the House to support this bill. I thank my colleagues on the other side of the aisle for their hard work, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. KINZINGER) that the House suspend the rules and pass the bill, S. 512.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MASSIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ALASKA REMOTE GENERATOR RELIABILITY AND PROTECTION ACT

Mr. SHIMKUS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1934) to prevent catastrophic failure or shutdown of remote diesel power engines due to emission control devices, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1934

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 ''Alaska Remote Generator Reliability and Protection Act''.

SEC. 2. REVISION OF REGULATIONS REQUIRED.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall revise section 60.4216(c) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), by striking ''that was not certified'' and all that follows through ''compared to engine-out emissions'' and inserting ''must have that engine certified as meeting at least Tier 3 PM standards''.

(b) EMISSIONS AND ENERGY RELIABILITY STUDY.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report assessing options for the Federal Government to assist remote areas in the State of Alaska in meeting the energy needs of those areas in an affordable and reliable manner using—

(1) existing emissions control technology; or

(2) other technology that achieves emissions reductions similar to the technology described in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from New York (Mr. TONKO) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, this bill is a targeted exemption for remote villages in Alaska from EPA's most recent emissions rules on diesel generators.

EPA and State officials have found that diesel generators compliant with the most recent standards do not work reliably in harsh, cold winter conditions. To preserve the health and safety of the people relying on diesel generators, these are less strict but actually workable standards.

Our colleagues in the Senate passed this bill with unanimous consent. It is reasonable legislation that deserves our support.

I see Senators WHITEHOUSE and CARPER were supportive of this bill. It comes out of the Committee on Environment and Public Works.

Mr. Speaker, I ask our colleagues to support it, and I reserve the balance of my time.

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

Mr. Speaker, I rise in strong opposition to S. 1934, which would roll back public health standards under the Clean Air Act for dirty diesel generating units in remote areas of Alaska.

This legislation would undermine protections for human health, protections for the environment, and protections for our climate.

Adding insult to injury, this bill is being brought up under suspension of the rules at the last minute, over the objections of Democrats.

The Committee on Energy and Commerce, which has jurisdiction over the Clean Air Act and where I serve as the Environment Subcommittee ranking member, held no hearings on this subject nor considered any legislation relating to this matter.

EPA already gives special considerations for diesel generators in remote areas of Alaska. These special considerations allow remote areas to use stationary diesel generators that are certified to marine engine standards rather than more stringent land-based, nonroad engines.

However, all diesel generators in these areas that are model year 2014 or later, and not for emergency use, must be certified to meet EPA's tier 4 emission standards. If they cannot meet tier 4 standards, then they must meet certain alternative requirements for particulate matter or install an emission control device that reduces PM emissions.

S. 1934 directs the EPA Administrator to revise downward the existing New Source Performance Standards for diesel generators, so that these units would have to meet only EPA's tier 3 standards rather than the more protective tier 4 criteria.

Certainly, it is legitimate for Congress to consider assisting these remote areas with unique power needs and pollution problems. However, we should be looking to help these areas obtain cleaner, healthier air, not rolling back standards and pretending that the pollution and associated health and environmental problems don't exist.

Further, I note that the bill directs the EPA, in consultation with the Department of Energy, to submit a report assessing options for the Federal Government to meet the energy needs of remote areas in the State of Alaska in an affordable and reliable manner while addressing air emissions. That study is the right first step, and I would be happy to support it and then work with my colleagues to find ways to help these areas, based on the results of that particular study.

Unfortunately, this bill takes the backward approach of rolling back standards and then studying the problem. Perhaps if our Republican colleagues had come to us sooner than this week, we might have been able to find a way to come together on legislation.

Unfortunately, Republicans have chosen to take this up without consultation, at the last minute, over our objections. They have left us no option other than to fight. I wish it were otherwise.

For the past 2 years, the Trump administration has engaged in a consistent effort to undermine the Clean Air Act and its protections for everything from mercury and hazardous air pollutants to smog and particulate matter.

We have seen the Trump administration walk away from the Paris climate agreement, undo the Clean Power Plan, and gut fuel economy and greenhouse gas standards for motor vehicles. We must continue to stand firm against these actions that endanger public health, our continued economic well-being, and most certainly our planet.

Mr. Speaker, with that, I urge my colleagues to stand up for our public health, for our climate, and against those continued rollbacks of our Nation's most successful environmental statute, the Clean Air Act.

Mr. Speaker, I urge my colleagues to vote a strong ''no'' on S. 1934, and I reserve the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield 5 minutes to the gentleman from Alaska (Mr. YOUNG), the only House Member from Alaska and the dean of the House.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for bringing this up.

This is not a Trump bill. This is a bill that affects one area: Alaska. This bill was asked for by the people who live in Alaska, not New Yorkers, by people who need power, that have not had power. It has been put in, in the past, they can't meet these standards imposed by the EPA. It doesn't work in the cold climate. They do not have the money to buy new generators.

Some say we have to protect their health. The gentleman from New York is going to shut down the clinics, the schools, and individual homes that cannot be heated, because there will be no electricity. There are no roads.

I am talking about small villages, 60 people, 25 people. They all have generators now that are outdated, but that is the only thing they can afford.

You know, we hear a lot from that side of the aisle, and sometimes this