

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 4064

To facilitate the development of a whole-of-government strategy for nuclear cooperation and nuclear exports.

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. RISCH

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Nuclear
5 Energy Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ADVANCED NUCLEAR REACTOR.**—The term
9 “advanced nuclear reactor” has the meaning given
10 the term in section 951(b) of the Energy Policy Act
11 of 2005 (42 U.S.C. 16271(b)).

1 (2) ALLY OR PARTNER NATION.—The term
2 “ally or partner nation” means—

3 (A) the Government of any country that is
4 a member of the Organisation for Economic Co-
5 operation and Development;

6 (B) the Government of the Republic of
7 India; and

8 (C) the Government of any country des-
9 ignated as an ally or partner nation by the Sec-
10 retary of State for purposes of this Act.

11 (3) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committees on Foreign Relations
15 and Energy and Natural Resources of the Sen-
16 ate; and

17 (B) the Committees on Foreign Affairs
18 and Energy and Commerce of the House of
19 Representatives.

20 (4) ASSISTANT.—The term “Assistant” means
21 the Assistant to the President and Director for
22 International Nuclear Energy Policy described in
23 section 3(a)(1)(D).

24 (5) ASSOCIATED ENTITY.—The term “associ-
25 ated entity” means an entity that—

1 (A) is owned, controlled, or operated by—

2 (i) an ally or partner nation; or

3 (ii) an associated individual; or

4 (B) is organized under the laws of, or oth-

5 erwise subject to the jurisdiction of, a country

6 described in paragraph (2), including a corpora-

7 tion that is incorporated in a country described

8 in that paragraph.

9 (6) ASSOCIATED INDIVIDUAL.—The term “asso-

10 ciated individual” means a foreign national who is a

11 national of a country described in paragraph (2).

12 (7) CIVIL NUCLEAR.—The term “civil nuclear”

13 means activities relating to—

14 (A) nuclear plant construction;

15 (B) nuclear fuel services;

16 (C) nuclear energy financing;

17 (D) nuclear plant operations;

18 (E) nuclear plant regulation;

19 (F) nuclear medicine;

20 (G) nuclear safety;

21 (H) community engagement in areas in

22 reasonable proximity to nuclear sites;

23 (I) infrastructure support for nuclear en-

24 ergy;

25 (J) nuclear plant decommissioning;

1 (K) nuclear liability;

2 (L) safe storage and safe disposal of spent

3 nuclear fuel;

4 (M) environmental safeguards;

5 (N) nuclear nonproliferation and security;

6 and

7 (O) technology related to the matters de-

8 scribed in subparagraphs (A) through (N).

9 (8) EMBARKING CIVIL NUCLEAR ENERGY NA-
10 TION.—

11 (A) IN GENERAL.—The term “embarking
12 civil nuclear energy nation” means a country
13 that—

14 (i) does not have a civil nuclear pro-
15 gram;

16 (ii) is in the process of developing or
17 expanding a civil nuclear program, includ-
18 ing safeguards and a legal and regulatory
19 framework, for—

20 (I) nuclear safety;

21 (II) nuclear security;

22 (III) radioactive waste manage-
23 ment;

24 (IV) civil nuclear energy;

25 (V) environmental safeguards;

1 (VI) community engagement in
2 areas in reasonable proximity to nu-
3 clear sites;

4 (VII) nuclear liability; or

5 (VIII) advanced nuclear reactor
6 licensing;

7 (iii) is in the process of selecting, de-
8 veloping, constructing, or utilizing ad-
9 vanced light water reactors, advanced nu-
10 clear reactors, or advanced civil nuclear
11 technologies; and

12 (iv) is eligible to receive development
13 lending from the World Bank.

14 (B) EXCLUSIONS.—The term “embarking
15 civil nuclear energy nation” does not include—

16 (i) the People’s Republic of China;

17 (ii) the Russian Federation;

18 (iii) the Republic of Belarus;

19 (iv) the Islamic Republic of Iran;

20 (v) the Democratic People’s Republic
21 of Korea;

22 (vi) the Republic of Cuba;

23 (vii) the Bolivarian Republic of Ven-
24 ezuela;

25 (viii) the Syrian Arab Republic; or

1 (ix) any other country—

2 (I) the property or interests in
3 property of the government of which
4 are blocked pursuant to the Inter-
5 national Emergency Economic Powers
6 Act (50 U.S.C. 1701 et seq.); or

7 (II) the government of which the
8 Secretary of State has determined has
9 repeatedly provided support for acts
10 of international terrorism for purposes
11 of—

12 (aa) section 620A(a) of the
13 Foreign Assistance Act of 1961
14 (22 U.S.C. 2371(a));

15 (bb) section 40(d) of the
16 Arms Export Control Act (22
17 U.S.C. 2780(d));

18 (cc) section 1754(c)(1)(A)(i)
19 of the Export Control Reform
20 Act of 2018 (50 U.S.C.
21 4813(c)(1)(A)(i)); or

22 (dd) any other relevant pro-
23 vision of law.

24 (9) NUCLEAR SAFETY.—The term “nuclear
25 safety” means issues relating to the design, con-

1 construction, operation, or decommissioning of nuclear
2 facilities in a manner that ensures adequate protec-
3 tion of workers, the public, and the environment, in-
4 cluding—

5 (A) the safe operation of nuclear reactors
6 and other nuclear facilities;

7 (B) radiological protection of—

8 (i) members of the public;

9 (ii) workers; and

10 (iii) the environment;

11 (C) nuclear waste management;

12 (D) emergency preparedness;

13 (E) nuclear liability; and

14 (F) the safe transportation of nuclear ma-
15 terials.

16 (10) SECRETARY.—The term “Secretary”
17 means the Secretary of Energy.

18 (11) SPENT NUCLEAR FUEL.—The term “spent
19 nuclear fuel” has the meaning given the term in sec-
20 tion 2 of the Nuclear Waste Policy Act of 1982 (42
21 U.S.C. 10101).

22 (12) U.S. NUCLEAR ENERGY COMPANY.—The
23 term “U.S. nuclear energy company” means a com-
24 pany that—

1 (A) is organized under the laws of, or oth-
2 erwise subject to the jurisdiction of, the United
3 States; and

4 (B) is involved in the nuclear energy indus-
5 try.

6 **SEC. 3. CIVIL NUCLEAR COORDINATION AND STRATEGY.**

7 (a) WHITE HOUSE FOCAL POINT ON COORDINA-
8 TION.—

9 (1) SENSE OF CONGRESS.—Given the critical
10 importance of developing and implementing, with
11 input from various agencies throughout the executive
12 branch, a cohesive policy with respect to inter-
13 national efforts related to civil nuclear energy, it is
14 the sense of Congress that—

15 (A) there should be a focal point within the
16 White House, which may, if determined to be
17 appropriate, report to the National Security
18 Council, for coordination on issues relating to
19 those efforts;

20 (B) to provide that focal point, the Presi-
21 dent should establish, within the Executive Of-
22 fice of the President, an office, to be known as
23 the “Office of the Assistant to the President
24 and Director for International Nuclear Energy

1 Policy” (referred to in this subsection as the
2 “Office”);

3 (C) the Office should act as a coordinating
4 office for—

5 (i) international civil nuclear coopera-
6 tion; and

7 (ii) civil nuclear export strategy;

8 (D) the Office should be headed by an in-
9 dividual appointed as an Assistant to the Presi-
10 dent with the title of “Director for Inter-
11 national Nuclear Energy Policy”; and

12 (E) the Office should—

13 (i) coordinate civil nuclear export poli-
14 cies for the United States;

15 (ii) develop, in coordination with the
16 officials described in paragraph (2), a co-
17 hesive Federal strategy for engagement
18 with foreign governments (including ally or
19 partner nations and the governments of
20 embarking civil nuclear energy nations),
21 associated entities, and associated individ-
22 uals with respect to civil nuclear exports;

23 (iii) coordinate with the officials de-
24 scribed in paragraph (2) to ensure that
25 necessary framework agreements and trade

1 controls relating to civil nuclear materials
2 and technologies are in place for key mar-
3 kets; and

4 (iv) develop—

5 (I) a whole-of-government coordi-
6 nating strategy for civil nuclear co-
7 operation;

8 (II) a whole-of-government strat-
9 egy for civil nuclear exports; and

10 (III) a whole-of-government ap-
11 proach to support appropriate foreign
12 investment in civil nuclear energy
13 projects supported by the United
14 States in embarking civil nuclear en-
15 ergy nations.

16 (2) OFFICIALS DESCRIBED.—The officials re-
17 ferred to in paragraph (1)(E) are—

18 (A) the appropriate officials of—

19 (i) the Department of State;

20 (ii) the Department of Energy;

21 (iii) the Department of Commerce;

22 (iv) the Department of Transpor-
23 tation;

24 (v) the Nuclear Regulatory Commis-
25 sion;

- 1 (vi) the Department of Defense;
- 2 (vii) the National Security Council;
- 3 (viii) the National Economic Council;
- 4 (ix) the Office of the United States
- 5 Trade Representative;
- 6 (x) the Office of Management and
- 7 Budget;
- 8 (xi) the Office of the Director of Na-
- 9 tional Intelligence;
- 10 (xii) the Export-Import Bank of the
- 11 United States;
- 12 (xiii) the United States International
- 13 Development Finance Corporation;
- 14 (xiv) the United States Agency for
- 15 International Development;
- 16 (xv) the United States Trade and De-
- 17 velopment Agency;
- 18 (xvi) the Office of Science and Tech-
- 19 nology Policy; and
- 20 (xvii) any other Federal agency that
- 21 the President determines to be appro-
- 22 priate; and
- 23 (B) appropriate officials representing for-
- 24 eign countries and governments, including—
- 25 (i) ally or partner nations;

1 (ii) embarking civil nuclear energy na-
2 tions; and

3 (iii) any other country or government
4 that the Assistant (if appointed) and the
5 officials described in subparagraph (A)
6 jointly determine to be appropriate.

7 (b) NUCLEAR EXPORTS WORKING GROUP.—

8 (1) ESTABLISHMENT.—There is established a
9 working group, to be known as the “Nuclear Ex-
10 ports Working Group” (referred to in this subsection
11 as the “working group”).

12 (2) COMPOSITION.—The working group shall be
13 composed of—

14 (A) senior-level Federal officials, selected
15 internally by the applicable Federal agency or
16 organization, from—

- 17 (i) the Department of State;
18 (ii) the Department of Commerce;
19 (iii) the Department of Energy;
20 (iv) the Department of the Treasury;
21 (v) the Export-Import Bank of the
22 United States;
23 (vi) the United States International
24 Development Finance Corporation;

1 (vii) the Nuclear Regulatory Commis-
2 sion;

3 (viii) the Office of the United States
4 Trade Representative; and

5 (ix) the United States Trade and De-
6 velopment Agency; and

7 (B) other senior-level Federal officials, se-
8 lected internally by the applicable Federal agen-
9 cy or organization, from any other Federal
10 agency or organization that the Secretary deter-
11 mines to be appropriate.

12 (3) REPORTING.—The working group shall re-
13 port to the appropriate White House official, which
14 may be the Assistant (if appointed).

15 (4) DUTIES.—The working group shall coordi-
16 nate, not less frequently than quarterly, with the
17 Civil Nuclear Trade Advisory Committee of the De-
18 partment of Commerce, the Nuclear Energy Advi-
19 sory Committee of the Department of Energy, and
20 other advisory or stakeholder groups, as necessary,
21 to maintain an accurate and up-to-date knowledge of
22 the standing of civil nuclear exports from the United
23 States, including with respect to meeting the targets
24 established as part of the 10-year civil nuclear trade
25 strategy described in paragraph (5)(A).

1 (5) STRATEGY.—

2 (A) IN GENERAL.—Not later than 1 year
3 after the date of enactment of this Act, the
4 working group shall establish a 10-year civil nu-
5 clear trade strategy, including biennial targets
6 for the export of civil nuclear technologies, in-
7 cluding light water and non-light water reactors
8 and associated equipment and technologies, civil
9 nuclear materials, and nuclear fuel that align
10 with meeting international energy demand while
11 seeking to avoid or reduce emissions.

12 (B) COLLABORATION REQUIRED.—In es-
13 tablishing the strategy under subparagraph (A),
14 the working group shall collaborate with—

- 15 (i) the Secretary;
16 (ii) the Secretary of Commerce;
17 (iii) the Secretary of State;
18 (iv) the Secretary of the Treasury;
19 (v) the Nuclear Regulatory Commis-
20 sion;
21 (vi) the President of the Export-Im-
22 port Bank of the United States;
23 (vii) the Chief Executive Officer of the
24 United States International Development
25 Finance Corporation;

1 (viii) the United States Trade Rep-
2 resentative; and
3 (ix) representatives of private indus-
4 try.

5 **SEC. 4. ENGAGEMENT WITH ALLY OR PARTNER NATIONS.**

6 (a) IN GENERAL.—The President shall launch, in ac-
7 cordance with applicable nuclear technology export laws
8 (including regulations), an international initiative to mod-
9 ernize the civil nuclear outreach to embarking civil nuclear
10 energy nations.

11 (b) FINANCING.—In carrying out the initiative de-
12 scribed in subsection (a), the President, acting through
13 an appropriate Federal official, who may be the Assistant
14 (if appointed) or the Chief Executive Officer of the Inter-
15 national Development Finance Corporation, if determined
16 to be appropriate, and in coordination with the officials
17 described in section 3(a)(2), may, if the President deter-
18 mines to be appropriate, seek to establish cooperative fi-
19 nancing relationships for the export of civil nuclear tech-
20 nology, components, materials, and infrastructure to em-
21 barking civil nuclear energy nations.

22 (c) ACTIVITIES.—In carrying out the initiative de-
23 scribed in subsection (a), the President shall—

24 (1) assist nongovernmental organizations and
25 appropriate offices, administrations, agencies, lab-

1 oratories, and programs of the Department of En-
2 ergy and other relevant Federal agencies and offices
3 in providing education and training to foreign gov-
4 ernments in nuclear safety, security, and safe-
5 guards—

6 (A) through engagement with the Inter-
7 national Atomic Energy Agency; or

8 (B) independently, if the applicable entity
9 determines that it would be more advantageous
10 under the circumstances to provide the applica-
11 ble education and training independently;

12 (2) assist the efforts of the International Atom-
13 ic Energy Agency to expand the support provided by
14 the International Atomic Energy Agency to embark-
15 ing civil nuclear energy nations for nuclear safety,
16 security, and safeguards;

17 (3) coordinate the work of the Chief Executive
18 Officer of the United States International Develop-
19 ment Finance Corporation to expand outreach to the
20 private investment community to create public-pri-
21 vate financing relationships to assist in the export of
22 civil nuclear technology to embarking civil nuclear
23 energy nations;

24 (4) seek to better coordinate, to the maximum
25 extent practicable, the work carried out by each of—

- 1 (A) the Nuclear Regulatory Commission;
2 (B) the Department of Energy;
3 (C) the Department of Commerce;
4 (D) the Nuclear Energy Agency;
5 (E) the International Atomic Energy
6 Agency; and
7 (F) the nuclear regulatory agencies and or-
8 ganizations of embarking civil nuclear energy
9 nations and ally or partner nations; and
10 (5) improve the efficient and effective exporting
11 and importing of civil nuclear technologies and ma-
12 terials.

13 **SEC. 5. COOPERATIVE FINANCING RELATIONSHIPS WITH**
14 **ALLY OR PARTNER NATIONS AND EMBARK-**
15 **ING CIVIL NUCLEAR ENERGY NATIONS.**

16 (a) IN GENERAL.—The President shall designate an
17 appropriate White House official, who may be the Assist-
18 ant (if appointed), and the Chief Executive Officer of the
19 United States International Development Finance Cor-
20 poration to coordinate with the officials described in sec-
21 tion 3(a)(2) to develop, as the President determines to be
22 appropriate, financing relationships with ally or partner
23 nations to advance civil nuclear exports from the United
24 States or ally or partner nations to embarking civil nuclear
25 energy nations.

1 (b) UNITED STATES COMPETITIVENESS CLAUSES.—

2 (1) DEFINITION OF UNITED STATES COMPETI-
3 TIVENESS CLAUSE.—In this subsection, the term
4 “United States competitiveness clause” means any
5 United States competitiveness provision in any
6 agreement entered into by the Department of En-
7 ergy, including—

8 (A) a cooperative agreement;

9 (B) a cooperative research and develop-
10 ment agreement; and

11 (C) a patent waiver.

12 (2) CONSIDERATION.—In carrying out sub-
13 section (a), the relevant officials described in that
14 subsection shall consider the impact of United
15 States competitiveness clauses on any financing rela-
16 tionships entered into or proposed to be entered into
17 under that subsection.

18 (3) WAIVER.—The Secretary shall facilitate
19 waivers of United States competitiveness clauses as
20 necessary to facilitate financing relationships with
21 ally or partner nations under subsection (a).

1 **SEC. 6. COOPERATION WITH ALLY OR PARTNER NATIONS**
2 **ON ADVANCED NUCLEAR REACTOR DEM-**
3 **ONSTRATION AND COOPERATIVE RESEARCH**
4 **FACILITIES FOR CIVIL NUCLEAR ENERGY.**

5 (a) **IN GENERAL.**—Not later than 2 years after the
6 date of enactment of this Act, the Secretary of State, in
7 coordination with the Secretary and the Secretary of Com-
8 merce, shall conduct bilateral and multilateral meetings
9 with not fewer than 5 ally or partner nations, with the
10 aim of enhancing nuclear energy cooperation among those
11 ally or partner nations and the United States, for the pur-
12 pose of developing collaborative relationships with respect
13 to research, development, licensing, and deployment of ad-
14 vanced nuclear reactor technologies for civil nuclear en-
15 ergy.

16 (b) **REQUIREMENT.**—The meetings described in sub-
17 section (a) shall include—

18 (1) a focus on cooperation to demonstrate and
19 deploy advanced nuclear reactors, with an emphasis
20 on U.S. nuclear energy companies, during the 10-
21 year period beginning on the date of enactment of
22 this Act to provide options for addressing climate
23 change by 2050; and

24 (2) a focus on developing a memorandum of un-
25 derstanding or any other appropriate agreement be-

1 **SEC. 7. INTERNATIONAL CIVIL NUCLEAR ENERGY CO-**
2 **OPERATION.**

3 Section 959B of the Energy Policy Act of 2005 (42
4 U.S.C. 16279b) is amended—

5 (1) in the matter preceding paragraph (1), by
6 striking “The Secretary” and inserting the fol-
7 lowing:

8 “(a) IN GENERAL.—The Secretary”;

9 (2) in subsection (a) (as so designated)—

10 (A) in paragraph (1)—

11 (i) by striking “financing,”; and

12 (ii) by striking “and” after the semi-
13 colon at the end;

14 (B) in paragraph (2)—

15 (i) in subparagraph (A), by striking
16 “preparations for”; and

17 (ii) in subparagraph (C)(v), by strik-
18 ing the period at the end and inserting a
19 semicolon; and

20 (C) by adding at the end the following:

21 “(3) to support, in consultation with the Sec-
22 retary of State, the safe, secure, and peaceful use of
23 civil nuclear technology in countries developing nu-
24 clear energy programs, with a focus on countries
25 that have increased civil nuclear cooperation with

1 the Russian Federation or the People’s Republic of
2 China; and

3 “(4) to promote the fullest utilization of the re-
4 actors, fuel, equipment, services, and technology of
5 U.S. nuclear energy companies (as defined in section
6 2 of the International Nuclear Energy Act) in civil
7 nuclear energy programs outside the United States
8 through—

9 “(A) bilateral and multilateral arrange-
10 ments developed and executed in coordination
11 with the Secretary of State that contain com-
12 mitments for the utilization of the reactors,
13 fuel, equipment, services, and technology of
14 U.S. nuclear energy companies (as defined in
15 that section);

16 “(B) the designation of 1 or more U.S. nu-
17 clear energy companies (as defined in that sec-
18 tion) to implement an arrangement under sub-
19 paragraph (A) if the Secretary determines that
20 the designation is necessary and appropriate to
21 achieve the objectives of this section;

22 “(C) the waiver of any provision of law re-
23 lating to competition with respect to any activ-
24 ity related to an arrangement under subpara-
25 graph (A) if the Secretary, in consultation with

1 the Attorney General and the Secretary of
2 Commerce, determines that a waiver is nec-
3 essary and appropriate to achieve the objectives
4 of this section; and

5 “(D) the issuance of loans, loan guaran-
6 tees, other financial assistance, or assistance in
7 the form of an equity interest to carry out ac-
8 tivities related to an arrangement under sub-
9 paragraph (A), to the extent appropriated funds
10 are available.”; and

11 (3) by adding at the end the following:

12 “(b) REQUIREMENTS.—The program under sub-
13 section (a) shall—

14 “(1) with respect to the function described in
15 subsection (a)(3), be modeled after the International
16 Military Education and Training program of the De-
17 partment of State; and

18 “(2) be authorized and directed by the Sec-
19 retary of State and implemented by the Secretary—

20 “(A) to facilitate, to the maximum extent
21 practicable, workshops and expert-based ex-
22 changes to engage industry, stakeholders, and
23 foreign governments with respect to inter-
24 national civil nuclear issues, such as—

25 “(i) training;

1 “(ii) financing;

2 “(iii) safety;

3 “(iv) security;

4 “(v) safeguards;

5 “(vi) liability;

6 “(vii) advanced fuels;

7 “(viii) operations; and

8 “(ix) options for multinational co-

9 operation with respect to the disposal of

10 spent nuclear fuel (as defined in section 2

11 of the Nuclear Waste Policy Act of 1982

12 (42 U.S.C. 10101)); and

13 “(B) in coordination with—

14 “(i) the National Security Council;

15 “(ii) the Secretary of State;

16 “(iii) the Secretary of Commerce; and

17 “(iv) the Nuclear Regulatory Commis-

18 sion.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There

20 is authorized to be appropriated to the Secretary to carry

21 out subsection (a)(3) \$15,500,000 for each of fiscal years

22 2023 through 2027.”.

1 **SEC. 8. INTERNATIONAL CIVIL NUCLEAR PROGRAM SUP-**
2 **PORT.**

3 (a) IN GENERAL.—Not later than 120 days after the
4 date of enactment of this Act, the Secretary of State, in
5 coordination with the Secretary and the Assistant (if ap-
6 pointed), shall launch an international initiative (referred
7 to in this section as the “initiative”) to provide financial
8 assistance to, and facilitate the building of technical ca-
9 pacities by, in accordance with this section, embarking
10 civil nuclear energy nations for activities relating to the
11 development of civil nuclear energy programs.

12 (b) FINANCIAL ASSISTANCE.—

13 (1) IN GENERAL.—In carrying out the initia-
14 tive, the Secretary of State, in coordination with the
15 Secretary and the Assistant (if appointed), may
16 award grants of financial assistance to embarking
17 civil nuclear energy nations in accordance with this
18 subsection—

19 (A) for activities relating to the develop-
20 ment of civil nuclear energy programs; and

21 (B) to facilitate the building of technical
22 capacities for those activities.

23 (2) AMOUNT.—The amount of a grant of finan-
24 cial assistance under paragraph (1) shall be not
25 more than \$5,500,000.

1 (3) LIMITATIONS.—The Secretary of State, in
2 coordination with the Secretary and the Assistant (if
3 appointed), may award—

4 (A) not more than 1 grant of financial as-
5 sistance under paragraph (1) to any 1 embark-
6 ing civil nuclear energy nation each fiscal year;
7 and

8 (B) not more than a total of 5 grants of
9 financial assistance under paragraph (1) to any
10 1 embarking civil nuclear energy nation.

11 (c) SENIOR ADVISORS.—

12 (1) IN GENERAL.—In carrying out the initia-
13 tive, the Secretary of State, in coordination with the
14 Secretary and the Assistant (if appointed), may pro-
15 vide financial assistance to an embarking civil nu-
16 clear energy nation for the purpose of contracting
17 with a U.S. nuclear energy company to hire 1 or
18 more senior advisors to assist the embarking civil
19 nuclear energy nation in establishing a civil nuclear
20 program.

21 (2) REQUIREMENT.—A senior advisor described
22 in paragraph (1) shall have relevant experience and
23 qualifications to advise the embarking civil nuclear
24 energy nation on, and facilitate on behalf of the em-

1 barking civil nuclear energy nation, 1 or more of the
2 following activities:

3 (A) The development of financing relation-
4 ships.

5 (B) The development of a standardized fi-
6 nancing and project management framework for
7 the construction of nuclear power plants.

8 (C) The development of a standardized li-
9 censing framework for—

10 (i) light water civil nuclear tech-
11 nologies; and

12 (ii) non-light water civil nuclear tech-
13 nologies and advanced nuclear reactors.

14 (D) The identification of qualified organi-
15 zations and service providers.

16 (E) The identification of funds to support
17 payment for services required to develop a civil
18 nuclear program.

19 (F) Market analysis.

20 (G) The identification of the safety, secu-
21 rity, safeguards, and nuclear governance re-
22 quired for a civil nuclear program.

23 (H) Risk allocation, risk management, and
24 nuclear liability.

1 (I) Technical assessments of nuclear reac-
2 tors and technologies.

3 (J) The identification of actions necessary
4 to participate in a global nuclear liability re-
5 gime based on the Convention on Supple-
6 mentary Compensation for Nuclear Damage,
7 with Annex, done at Vienna September 12,
8 1997 (TIAS 15-415).

9 (K) Stakeholder engagement.

10 (L) Management of spent nuclear fuel and
11 nuclear waste.

12 (M) Any other major activities to support
13 the establishment of a civil nuclear program,
14 such as the establishment of export, financing,
15 construction, training, operations, and edu-
16 cation requirements.

17 (3) CLARIFICATION.—Financial assistance
18 under this subsection may be provided to an em-
19 barking civil nuclear energy nation in addition to
20 any financial assistance provided to that embarking
21 civil nuclear energy nation under subsection (b).

22 (d) LIMITATION ON ASSISTANCE TO EMBARKING
23 CIVIL NUCLEAR ENERGY NATIONS.—Not later than 1
24 year after the date of enactment of this Act, the Offices

1 of the Inspectors General for the Department of State and
2 the Department of Energy shall coordinate—

3 (1) to establish and submit to the appropriate
4 committees of Congress a joint strategic plan to con-
5 duct comprehensive oversight of activities authorized
6 under this section to prevent fraud, waste, and
7 abuse; and

8 (2) to engage in independent and effective over-
9 sight of activities authorized under this section
10 through joint or individual audits, inspections, inves-
11 tigations, or evaluations.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Secretary of State
14 to carry out the initiative \$50,000,000 for each of fiscal
15 years 2023 through 2027.

16 **SEC. 9. BIENNIAL CABINET-LEVEL INTERNATIONAL CON-**
17 **FERENCE ON NUCLEAR SAFETY, SECURITY,**
18 **SAFEGUARDS, AND SUSTAINABILITY.**

19 (a) IN GENERAL.—The President, in coordination
20 with international partners, as determined by the Presi-
21 dent, and industry, shall hold a biennial conference on civil
22 nuclear safety, security, safeguards, and sustainability (re-
23 ferred to in this section as a “conference”).

24 (b) CONFERENCE FUNCTIONS.—It is the sense of
25 Congress that each conference should—

1 (1) be a forum in which ally or partner nations
2 may engage with each other for the purpose of rein-
3 forcing the commitment to—

4 (A) nuclear safety, security, safeguards,
5 and sustainability;

6 (B) environmental safeguards; and

7 (C) local community engagement in areas
8 in reasonable proximity to nuclear sites; and

9 (2) facilitate—

10 (A) the development of—

11 (i) joint commitments and goals to
12 improve—

13 (I) nuclear safety, security, safe-
14 guards, and sustainability;

15 (II) environmental safeguards;
16 and

17 (III) local community engage-
18 ment in areas in reasonable proximity
19 to nuclear sites;

20 (ii) stronger international institutions
21 that support nuclear safety, security, safe-
22 guards, and sustainability;

23 (iii) cooperative financing relation-
24 ships to promote competitive alternatives
25 to Chinese and Russian financing;

1 (iv) a standardized financing and
2 project management framework for the
3 construction of civil nuclear power plants;

4 (v) a standardized licensing frame-
5 work for civil nuclear technologies;

6 (vi) a strategy to change internal poli-
7 cies of multinational development banks,
8 such as the World Bank, to support the fi-
9 nancing of civil nuclear projects;

10 (vii) a document containing any les-
11 sons learned from countries that have
12 partnered with the Russian Federation or
13 the People's Republic of China with re-
14 spect to civil nuclear power, including any
15 detrimental outcomes resulting from that
16 partnership; and

17 (viii) a global civil nuclear liability re-
18 gime;

19 (B) cooperation for enhancing the overall
20 aspects of civil nuclear power, such as—

21 (i) nuclear safety, security, safe-
22 guards, and sustainability;

23 (ii) nuclear laws (including regula-
24 tions);

25 (iii) waste management;

- 1 (iv) quality management systems;
- 2 (v) technology transfer;
- 3 (vi) human resources development;
- 4 (vii) localization;
- 5 (viii) reactor operations;
- 6 (ix) nuclear liability; and
- 7 (x) decommissioning; and

8 (C) the development and determination of
9 the mechanisms described in paragraphs (7)
10 and (8) of section 10(a), if the President in-
11 tends to establish an Advanced Reactor Coordi-
12 nation and Resource Center as described in
13 that section.

14 (c) INPUT FROM INDUSTRY AND GOVERNMENT.—It
15 is the sense of Congress that each conference should in-
16 clude a meeting that convenes nuclear industry leaders
17 and leaders of government agencies with expertise relating
18 to nuclear safety, security, safeguards, or sustainability to
19 discuss best practices relating to—

20 (1) the safe and secure use, storage, and trans-
21 port of nuclear and radiological materials;

22 (2) managing the evolving cyber threat to nu-
23 clear and radiological security; and

24 (3) the role that the nuclear industry should
25 play in nuclear and radiological safety, security, and

1 safeguards, including with respect to the safe and
2 secure use, storage, and transport of nuclear and ra-
3 diological materials, including spent nuclear fuel and
4 nuclear waste.

5 **SEC. 10. ADVANCED REACTOR COORDINATION AND RE-**
6 **SOURCE CENTER.**

7 (a) IN GENERAL.—The President shall consider the
8 feasibility of leveraging existing activities or frameworks
9 or, as necessary, establishing a center, to be known as the
10 “Advanced Reactor Coordination and Resource Center”
11 (referred to in this section as the “Center”), for the pur-
12 poses of—

13 (1) identifying qualified organizations and serv-
14 ice providers—

15 (A) for embarking civil nuclear energy na-
16 tions;

17 (B) to develop and assemble documents,
18 contracts, and related items required to estab-
19 lish a civil nuclear program; and

20 (C) to develop a standardized model for
21 the establishment of a civil nuclear program
22 that can be used by the International Atomic
23 Energy Agency;

- 1 (2) coordinating with countries participating in
2 the Center and with the Nuclear Exports Working
3 Group established under section 3(b)—
- 4 (A) to identify funds to support payment
5 for services required to develop a civil nuclear
6 program;
- 7 (B) to provide market analysis; and
- 8 (C) to create—
- 9 (i) project structure models;
- 10 (ii) models for electricity market anal-
11 ysis;
- 12 (iii) models for nonelectric applica-
13 tions market analysis; and
- 14 (iv) financial models;
- 15 (3) identifying and developing the safety, secu-
16 rity, safeguards, and nuclear governance required
17 for a civil nuclear program;
- 18 (4) supporting multinational regulatory stand-
19 ards to be developed by countries with civil nuclear
20 programs and experience;
- 21 (5) developing and strengthening communica-
22 tions, engagement, and consensus-building;
- 23 (6) carrying out any other major activities to
24 support export, financing, education, construction,

1 training, and education requirements relating to the
2 establishment of a civil nuclear program;

3 (7) developing mechanisms for how to fund and
4 staff the Center; and

5 (8) determining mechanisms for the selection of
6 the location or locations of the Center.

7 (b) OBJECTIVE.—The President shall carry out sub-
8 section (a) with the objective of establishing the Center
9 if the President determines that it is feasible to do so.

10 **SEC. 11. INVESTMENT BY ALLIES AND PARTNERS OF THE**
11 **UNITED STATES.**

12 (a) COMMERCIAL LICENSES.—Section 103 d. of the
13 Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is
14 amended, in the second sentence—

15 (1) by inserting “for a production facility” after
16 “No license”; and

17 (2) by striking “any any” and inserting “any”.

18 (b) MEDICAL THERAPY AND RESEARCH DEVELOP-
19 MENT LICENSES.—Section 104 d. of the Atomic Energy
20 Act of 1954 (42 U.S.C. 2134(d)) is amended, in the sec-
21 ond sentence, by inserting “for a production facility” after
22 “No license”.

1 **SEC. 12. STRATEGIC INFRASTRUCTURE FUND WORKING**
2 **GROUP.**

3 (a) ESTABLISHMENT.—There is established a work-
4 ing group, to be known as the “Strategic Infrastructure
5 Fund Working Group” (referred to in this section as the
6 “working group”).

7 (b) COMPOSITION.—The working group shall be—

8 (1) led by a White House official, who may be
9 the Assistant (if appointed), who shall serve as the
10 White House focal point with respect to matters re-
11 lating to the working group; and

12 (2) composed of—

13 (A) senior-level Federal officials, selected
14 by the head of the applicable Federal agency or
15 organization, from—

16 (i) the Department of State;

17 (ii) the Department of the Treasury;

18 (iii) the Department of Commerce;

19 (iv) the Department of Energy;

20 (v) the Export-Import Bank of the
21 United States;

22 (vi) the United States International
23 Development Finance Corporation; and

24 (vii) the Nuclear Regulatory Commis-
25 sion;

1 (B) other senior-level Federal officials, se-
2 lected by the head of the applicable Federal
3 agency or organization, from any other Federal
4 agency or organization that the Secretary deter-
5 mines to be appropriate; and

6 (C) any senior-level Federal official se-
7 lected by the White House official described in
8 paragraph (1) from any Federal agency or or-
9 ganization.

10 (c) REPORTING.—The working group shall report to
11 the National Security Council.

12 (d) DUTIES.—The working group shall—

13 (1) provide direction and advice to the officials
14 described in section 3(a)(2)(A) and appropriate Fed-
15 eral agencies, as determined by the working group,
16 with respect to the establishment of a Strategic In-
17 frastructure Fund (referred to in this subsection as
18 the “Fund”) to be used—

19 (A) to support those aspects of projects re-
20 lating to—

21 (i) civil nuclear technologies;

22 (ii) rare earth elements and critical
23 minerals (as defined in section 7002(a) of
24 the Energy Act of 2020 (30 U.S.C.
25 1606(a))); and

1 (iii) microprocessors; and

2 (B) for strategic investments identified by
3 the working group; and

4 (2) address critical areas in determining the ap-
5 propriate design for the Fund, including—

6 (A) transfer of assets to the Fund;

7 (B) transfer of assets from the Fund;

8 (C) how assets in the Fund should be in-
9 vested; and

10 (D) governance and implementation of the
11 Fund.

12 (e) REPORT REQUIRED.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date of the enactment of this Act, the working
15 group shall submit to the committees described in
16 paragraph (2) a report on the findings of the work-
17 ing group that includes suggested legislative text for
18 how to establish and structure a Strategic Infra-
19 structure Fund.

20 (2) COMMITTEES DESCRIBED.—The committees
21 referred to in paragraph (1) are—

22 (A) the Committee on Foreign Relations,
23 the Committee on Commerce, Science, and
24 Transportation, the Committee on Armed Serv-
25 ices, the Committee on Energy and Natural Re-

1 sources, the Committee on Environment and
2 Public Works, and the Committee on Finance
3 of the Senate; and

4 (B) the Committee on Foreign Affairs, the
5 Committee on Energy and Commerce, the Com-
6 mittee on Armed Services, the Committee on
7 Science, Space, and Technology, and the Com-
8 mittee on Ways and Means of the House of
9 Representatives.

10 (3) ADMINISTRATION OF THE FUND.—The re-
11 port submitted under paragraph (1) shall include
12 suggested legislative language requiring all expendi-
13 tures from a Strategic Infrastructure Fund estab-
14 lished in accordance with this section to be adminis-
15 tered by the Secretary of State (or a designee of the
16 Secretary of State).

17 **SEC. 13. BRIEFINGS ON SAFETY AND SECURITY OF NEW EX-**
18 **PORTS OF ADVANCED NUCLEAR REACTORS.**

19 Before the United States may export an advanced nu-
20 clear reactor to a country that has not previously received
21 an advanced nuclear reactor from the United States, the
22 Secretary, in coordination with the Secretary of State,
23 shall provide a briefing to the appropriate committees of
24 Congress that addresses whether the country—

1 (1) is technically equipped to safely operate and
2 maintain the advanced nuclear reactor; and

3 (2) has a transparency plan in place for over-
4 sight of any assistance received from the United
5 States Government for the purpose of purchasing
6 the advanced nuclear reactor.

7 **SEC. 14. ENSURING CONTINUED SAFETY AND SECURITY**
8 **OVERSIGHT OF ENHANCED ENERGY CO-**
9 **OPERATION.**

10 (a) BRIEFING REQUIRED.—

11 (1) IN GENERAL.—Not later than 60 days after
12 the date of the enactment of this Act, the Secretary
13 of State, the Secretary of Defense, and the Sec-
14 retary shall jointly brief the committees of Congress
15 described in paragraph (2) on the procedures being
16 used to mitigate any nuclear proliferation risks of—

17 (A) any recommendations for enhanced en-
18 ergy cooperation that may emerge from the
19 meetings described in section 6(a); or

20 (B) any new exports of advanced nuclear
21 reactors.

22 (2) COMMITTEES OF CONGRESS DESCRIBED.—

23 The committees of Congress referred to in para-
24 graph (1) are—

1 (A) the Committees on Foreign Relations,
2 Energy and Natural Resources, and Armed
3 Services of the Senate; and

4 (B) the Committees on Foreign Affairs,
5 Energy and Commerce, and Armed Services of
6 the House of Representatives.

7 (b) PROHIBITION ON EXPORTS OF NUCLEAR REAC-
8 TORS TO CERTAIN COUNTRIES.—On and after the date
9 of the enactment of this Act, an advanced nuclear reactor
10 may not be exported from the United States to a country
11 unless that country—

12 (1) has signed an additional protocol to its com-
13 prehensive safeguards agreement with the Inter-
14 national Atomic Energy Agency; or

15 (2) has put in place a comprehensive safeguards
16 agreement and is working toward signing an addi-
17 tional protocol with the International Atomic Energy
18 Agency.

19 **SEC. 15. JOINT ASSESSMENT BETWEEN THE UNITED**
20 **STATES AND INDIA ON NUCLEAR LIABILITY**
21 **RULES.**

22 (a) IN GENERAL.—The Secretary of State, in con-
23 sultation with the heads of other relevant Federal depart-
24 ments and agencies, shall establish and maintain within
25 the U.S.-India Strategic Security Dialogue a joint consult-

1 ative mechanism with the Government of the Republic of
2 India that convenes on a recurring basis—

3 (1) to assess the implementation of the Agree-
4 ment for Cooperation between the Government of
5 the United States of America and the Government
6 of India Concerning Peaceful Uses of Nuclear En-
7 ergy, signed at Washington October 10, 2008 (TIAS
8 08–1206);

9 (2) to discuss opportunities for the Republic of
10 India to align domestic nuclear liability rules with
11 international norms; and

12 (3) to develop a strategy for the United States
13 and the Republic of India to pursue bilateral and
14 multilateral diplomatic engagements related to ana-
15 lyzing and implementing those opportunities.

16 (b) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, and annually thereafter for
18 5 years, the Secretary of State, in consultation with the
19 heads of other relevant Federal departments and agencies,
20 shall submit to the appropriate committees of Congress
21 a report that describes the joint assessment developed pur-
22 suant to subsection (a)(1).

23 **SEC. 16. LESSONS LEARNED FROM THE ZAPORIZHZHIA NU-**
24 **CLEAR POWER PLANT.**

25 (a) BRIEFING.—

1 (1) IN GENERAL.—Not later than 60 days after
2 the date of enactment of this Act, the Secretary of
3 State shall provide a briefing to the appropriate
4 committees of Congress regarding the capture of the
5 Zaporizhzhia nuclear power plant by Russian armed
6 forces.

7 (2) REQUIREMENTS.—The briefing required by
8 paragraph (1) shall focus on—

9 (A) events leading up to the capture of the
10 Zaporizhzhia nuclear power plant by Russian
11 armed forces;

12 (B) ongoing efforts to ensure the continued
13 operation of the reactor and the safety and se-
14 curity of the plant;

15 (C) efforts to mitigate potential risks to
16 the surrounding civilian population; and

17 (D) any safety and security measures im-
18 plemented since the capture.

19 (b) REPORT.—

20 (1) IN GENERAL.—Not later than 120 days
21 after the date of enactment of this Act, the Sec-
22 retary of State shall submit to the appropriate com-
23 mittees of Congress a report outlining lessons
24 learned from attacks on the Zaporizhzhia nuclear
25 power plant, including—

1 (A) the efforts to ensure the safety and se-
2 curity of the Zaporizhzhia nuclear power plant;

3 (B) how those lessons can be applied to
4 other nuclear sites in Ukraine while there is an
5 ongoing threat of armed conflict in Ukraine;
6 and

7 (C) how those lessons could apply to other
8 nuclear power plants in the event of armed con-
9 flict.

10 (2) FORM OF REPORT.—The report required by
11 paragraph (1) shall be submitted in unclassified
12 form but may include a classified annex.