

AMENDMENT TO
RULES COMMITTEE PRINT 116-63
OFFERED BY MR. JOHNSON OF OHIO

At the end of title IV, insert the following:

1 **Subtitle C—Strengthening**
2 **American Nuclear Competitiveness**

3 **SEC. 4301. COMPETITIVENESS OF NUCLEAR COMMERCE.**

4 (a) **REPORT.**—Not later than 180 days after the date
5 of enactment of this Act, the Secretary of Energy shall
6 develop and submit to Congress a report on United States
7 civil nuclear commerce.

8 (b) **CONSULTATION.**—In developing the report re-
9 quired under subsection (a), the Secretary of Energy shall
10 consult with—

11 (1) the Secretary of State;

12 (2) the Secretary of Commerce;

13 (3) the Administrator of the Environmental
14 Protection Agency; and

15 (4) the Nuclear Regulatory Commission.

16 (c) **CONTENTS.**—The report required under sub-
17 section (a) shall include—

18 (1) an assessment of—

1 (A) current legal, regulatory, policy, and
2 commercial practices of the United States with
3 respect to the civilian nuclear industry of the
4 United States; and

5 (B) the impacts of such practices on such
6 civilian nuclear industry in the United States
7 and in foreign commerce;

8 (2) a comparison of the practices of the United
9 States described in paragraph (1) to practices of for-
10 eign countries with respect to the civilian nuclear in-
11 dustry of such countries;

12 (3) recommendations to improve the competi-
13 tiveness of United States civil nuclear commerce;
14 and

15 (4) options on how to apply section 170 of the
16 Atomic Energy Act of 1954 (42 U.S.C. 2210) (com-
17 monly known as the “Price-Anderson Act”) with re-
18 spect to advanced nuclear technologies.

19 **SEC. 4302. EXPEDITING NUCLEAR TECHNOLOGY EXPORTS.**

20 (a) **EXPEDITED PROCEDURES.**—Section 57 of the
21 Atomic Energy Act (42 U.S.C. 2077(d)) is amended by
22 adding at the end the following new subsection:

23 “(f) **EXPEDITED PROCEDURES.**—

24 “(1) **ESTABLISHMENT.**—In carrying out sub-
25 section b.(2), the Secretary of Energy shall establish

1 procedures for expedited consideration of requests
2 for authorizations regarding the transfer of a tech-
3 nology that involves a low-proliferation-risk reactor
4 activity described in paragraph (2) to a foreign
5 country described in paragraph (3).

6 “(2) ACTIVITIES.—A low-proliferation-risk reac-
7 tor activity described in this paragraph is an activity
8 that meets each of following criteria:

9 “(A) The activity is listed in section
10 810.2(b) of title 10, Code of Federal Regula-
11 tions, as in effect on March 25, 2015.

12 “(B) The activity is not an activity requir-
13 ing a specific authorization pursuant to section
14 810.7(c) of such title, as in effect on such date.

15 “(C) The Secretary determines that the
16 transfer (or retransfer) of a technology that in-
17 volves the activity will not result in a significant
18 increase of the risk of proliferation beyond such
19 risk that exists at the time that the authoriza-
20 tion is requested.

21 “(3) FOREIGN COUNTRIES.—A foreign country
22 described in this paragraph is a foreign country—

23 “(A) that is not a nuclear-weapon state, as
24 defined by Article IX(3) of the Treaty on the
25 Non-Proliferation of Nuclear Weapons, signed

1 at Washington, London, and Moscow on July 1,
2 1968, other than the United Kingdom or
3 France; and

4 “(B) with respect to which the Secretary
5 determines under subsection b.(2) that a trans-
6 fer to the country of a technology that involves
7 a low-proliferation-risk reactor activity de-
8 scribed in paragraph (2) of this subsection will
9 not be inimical to the interest of the United
10 States.

11 “(4) CONCURRENCE AND CONSULTATION.—The
12 Secretary of Energy shall establish the procedures
13 under paragraph (1) with the concurrence of the De-
14 partment of State and after consultation with the
15 Nuclear Regulatory Commission, the Department of
16 Commerce, and the Department of Defense.

17 “(5) TIMING AND AVAILABILITY.—The proce-
18 dures established under paragraph (1) shall—

19 “(A) ensure that each request is approved
20 or denied by not later than 45 days after the
21 later of—

22 “(i) the date on which the foreign
23 country transmits any required assurances
24 to the Department of State; or

1 “(ii) the date on which the inter-
2 agency review under subsection b. is com-
3 pleted; and

4 “(B) be publicly available.”.

5 (b) ASSURANCES.—Section 57 b.(2) of such Act (42
6 U.S.C. 2077(b)(2)) is amended by inserting after “mecha-
7 nisms.” the following new sentence: “To the extent prac-
8 ticable, the Secretary of Energy shall continue to process
9 such requests during such interagency review in a manner
10 that enables the Secretary to make such determination as
11 soon as practicable after the receipt of assurances by a
12 foreign country to the Department of State, if any such
13 assurances are required.”.

14 **SEC. 4303. COMMERCIAL LICENSE RESTRICTIONS ASSESS-**
15 **MENT.**

16 Not later than 18 months after the date of enactment
17 of this Act, the Comptroller General shall transmit to Con-
18 gress a report containing the results of a study on the
19 feasibility and implications of modifying or repealing re-
20 strictions under sections 103 d. and 104 d. of the Atomic
21 Energy Act of 1954 (42 U.S.C. 2133(d); 2134(d)) on
22 issuing licenses for certain nuclear facilities to an alien
23 or an entity owned, controlled, or dominated by an alien,
24 a foreign corporation, or a foreign government.

1 **SEC. 4304. RISK POOLING PROGRAM ASSESSMENT.**

2 (a) REPORT.—Not later than 1 year after the date
3 of enactment of this Act, the Comptroller General shall
4 carry out a review of, and submit to the Committee on
5 Energy and Commerce of the House of Representatives
6 and the Committee on Environment and Public Works of
7 the Senate a report on, the Secretary of Energy’s actions
8 with respect to the program described in section 934(e)
9 of the Energy Independence and Security Act of 2007 (42
10 U.S.C. 17373(e)).

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

13 (1) an assessment of the Secretary of Energy’s
14 actions to determine the risk-informed assessment
15 formula under section 934(e)(2)(C) of the Energy
16 Independence and Security Act of 2007;

17 (2) a review of the Secretary of Energy’s meth-
18 odology to collect information to determine and im-
19 plement the formula; and

20 (3) an evaluation of the program described in
21 section 934(e) of the Energy Independence and Se-
22 curity Act of 2007 (42 U.S.C. 17373(e)), including
23 the Secretary of Energy’s actions with respect to
24 such program.

