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

At the end of title IV, insert the following:

Subtitle C—Strengthening
American Nuclear Competitiveness

SEC. 4301. COMPETITIVENESS OF NUCLEAR COMMERCE.

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

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

(1) the Secretary of State;
(2) the Secretary of Commerce;
(3) the Administrator of the Environmental
Protection Agency; and
(4) the Nuclear Regulatory Commission.

(e) CONTENTS.—The report required under sub-
section (a) shall include—

(1) an assessment of—
(A) current legal, regulatory, policy, and commercial practices of the United States with respect to the civilian nuclear industry of the United States; and

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

(2) a comparison of the practices of the United States described in paragraph (1) to practices of foreign countries with respect to the civilian nuclear industry of such countries;

(3) recommendations to improve the competitiveness of United States civil nuclear commerce; and

(4) options on how to apply section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the “Price-Anderson Act”) with respect to advanced nuclear technologies.

SEC. 4302. EXPEDITING NUCLEAR TECHNOLOGY EXPORTS.

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

“(f) EXPEDITED PROCEDURES.—

“(1) ESTABLISHMENT.—In carrying out subsection b.(2), the Secretary of Energy shall establish
procedures for expedited consideration of requests for authorizations regarding the transfer of a technology that involves a low-proliferation-risk reactor activity described in paragraph (2) to a foreign country described in paragraph (3).

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

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

“(B) The activity is not an activity requiring a specific authorization pursuant to section 810.7(c) of such title, as in effect on such date.

“(C) The Secretary determines that the transfer (or retransfer) of a technology that involves the activity will not result in a significant increase of the risk of proliferation beyond such risk that exists at the time that the authorization is requested.

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

“(A) that is not a nuclear-weapon state, as defined by Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed
at Washington, London, and Moscow on July 1, 1968, other than the United Kingdom or France; and

“(B) with respect to which the Secretary determines under subsection b.(2) that a transfer to the country of a technology that involves a low-proliferation-risk reactor activity described in paragraph (2) of this subsection will not be inimical to the interest of the United States.

“(4) CONCURRENCE AND CONSULTATION.—The Secretary of Energy shall establish the procedures under paragraph (1) with the concurrence of the Department of State and after consultation with the Nuclear Regulatory Commission, the Department of Commerce, and the Department of Defense.

“(5) TIMING AND AVAILABILITY.—The procedures established under paragraph (1) shall—

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

“(i) the date on which the foreign country transmits any required assurances to the Department of State; or
“(ii) the date on which the inter-
agency review under subsection b. is com-
pleted; and

“(B) be publicly available.”.

(b) ASSURANCES.—Section 57 b.(2) of such Act (42
U.S.C. 2077(b)(2)) is amended by inserting after “mecha-

nisms.” the following new sentence: “To the extent prac-
ticable, the Secretary of Energy shall continue to process
such requests during such interagency review in a manner
that enables the Secretary to make such determination as
soon as practicable after the receipt of assurances by a
foreign country to the Department of State, if any such
assurances are required.”.

SEC. 4303. COMMERCIAL LICENSE RESTRICTIONS ASSESS-
MENT.

Not later than 18 months after the date of enactment
of this Act, the Comptroller General shall transmit to Con-
gress a report containing the results of a study on the
feasibility and implications of modifying or repealing re-
strictions under sections 103 d. and 104 d. of the Atomic
Energy Act of 1954 (42 U.S.C. 2133(d); 2134(d)) on
issuing licenses for certain nuclear facilities to an alien
or an entity owned, controlled, or dominated by an alien,
a foreign corporation, or a foreign government.
SEC. 4304. RISK POOLING PROGRAM ASSESSMENT.

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

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

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

(2) a review of the Secretary of Energy’s methodology to collect information to determine and implement the formula; and

(3) an evaluation of the program described in section 934(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17373(e)), including the Secretary of Energy’s actions with respect to such program.