

118TH CONGRESS
1ST SESSION

H. R. 3486

To exert American nuclear leadership by establishing global relationships and facilitating civil nuclear trade strategies with embarking nuclear nations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2023

Mr. DONALDS introduced the following bill; which was referred to the
Committee on Foreign Affairs

A BILL

To exert American nuclear leadership by establishing global relationships and facilitating civil nuclear trade strategies with embarking nuclear nations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recoup American Nu-
5 clear Global Leadership Act”.

6 **SEC. 2. CIVIL NUCLEAR COORDINATION AND STRATEGY.**

7 (a) WHITE HOUSE FOCAL POINT ON CIVIL NUCLEAR
8 COORDINATION.—

1 (1) SENSE OF CONGRESS.—Given the critical
2 importance of developing and implementing, with
3 input from various agencies throughout the executive
4 branch, a cohesive policy with respect to inter-
5 national efforts related to civil nuclear energy, it is
6 the sense of Congress that—

7 (A) there should be a focal point within the
8 White House, which may, if determined to be
9 appropriate, report to the National Security
10 Council, for coordination on issues relating to
11 those efforts;

12 (B) to provide that focal point, the Presi-
13 dent should establish, within the Executive Of-
14 fice of the President, an office, to be known as
15 the “Office of the Assistant to the President
16 and Director for International Nuclear Energy
17 Policy” (referred to in this subsection as the
18 “Office”);

19 (C) the Office should act as a coordinating
20 office for—

- 21 (i) international civil nuclear coopera-
22 tion; and
23 (ii) civil nuclear export strategy;

24 (D) the Office should be headed by an in-
25 dividual appointed as an Assistant to the Presi-

1 dent with the title of “Director for Inter-
2 national Nuclear Energy Policy”; and

3 (E) the Office should—

4 (i) coordinate civil nuclear export poli-
5 cies for the United States;

6 (ii) develop, in coordination with the
7 officials described in paragraph (2), a co-
8 hesive Federal strategy for engagement
9 with foreign governments (including ally or
10 partner nations and the governments of
11 embarking civil nuclear nations), associ-
12 ated entities, and associated individuals
13 with respect to civil nuclear exports;

14 (iii) coordinate with the officials de-
15 scribed in paragraph (2) to ensure that
16 necessary framework agreements and trade
17 controls relating to civil nuclear materials
18 and technologies are in place for key mar-
19 kets; and

20 (iv) develop—

21 (I) a whole-of-government coordi-
22 nating strategy for civil nuclear co-
23 operation;

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

1 (III) a whole-of-government ap-
2 proach to support appropriate foreign
3 investment in civil nuclear energy
4 projects supported by the United
5 States in embarking civil nuclear na-
6 tions.

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

- 9 (A) the appropriate officials of—
- 10 (i) the Department of State;
 - 11 (ii) the Department of Energy;
 - 12 (iii) the Department of Commerce;
 - 13 (iv) the Department of Transpor-
14 tation;
 - 15 (v) the Nuclear Regulatory Commis-
16 sion;
 - 17 (vi) the Department of Defense;
 - 18 (vii) the National Security Council;
 - 19 (viii) the National Economic Council;
 - 20 (ix) the Office of the United States
21 Trade Representative;
 - 22 (x) the Office of Management and
23 Budget;
 - 24 (xi) the Office of the Director of Na-
25 tional Intelligence;

1 (xii) the Export-Import Bank of the
2 United States;

3 (xiii) the United States International
4 Development Finance Corporation;

5 (xiv) the United States Agency for
6 International Development;

7 (xv) the United States Trade and De-
8 velopment Agency;

9 (xvi) the Office of Science and Tech-
10 nology Policy; and

11 (xvii) any other Federal agency that
12 the President determines to be appro-
13 priate; and

14 (B) appropriate officials representing for-
15 eign countries and governments, including—

16 (i) ally or partner nations;

17 (ii) embarking civil nuclear nations;

18 and

19 (iii) any other country or government
20 that the Assistant (if appointed) and the
21 officials described in subparagraph (A)
22 jointly determine to be appropriate.

23 (b) NUCLEAR EXPORTS WORKING GROUP.—

24 (1) ESTABLISHMENT.—There is established a
25 working group, to be known as the “Nuclear Ex-

1 ports Working Group” (referred to in this subsection
2 as the “working group”).

3 (2) COMPOSITION.—The working group shall be
4 composed of—

5 (A) senior-level Federal officials, selected
6 internally by the applicable Federal agency or
7 organization, from—

8 (i) the Department of State;

9 (ii) the Department of Commerce;

10 (iii) the Department of Energy;

11 (iv) the Department of the Treasury;

12 (v) the Export-Import Bank of the

13 United States;

14 (vi) the United States International
15 Development Finance Corporation;

16 (vii) the Nuclear Regulatory Commis-
17 sion;

18 (viii) the Office of the United States
19 Trade Representative; and

20 (ix) the United States Trade and De-
21 velopment Agency; and

22 (B) other senior-level Federal officials, se-
23 lected internally by the applicable Federal agen-
24 cy or organization, from any other Federal

1 agency or organization that the Secretary deter-
2 mines to be appropriate.

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

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

17 (5) STRATEGY.—

18 (A) IN GENERAL.—Not later than 1 year
19 after the date of enactment of this Act, the
20 working group shall establish a 10-year civil nu-
21 clear trade strategy, including biennial targets
22 for the export of civil nuclear technologies, in-
23 cluding light water and non-light water reactors
24 and associated equipment and technologies, civil
25 nuclear materials, and nuclear fuel that align

1 with meeting international energy demand while
2 seeking to avoid or reduce emissions.

3 (B) COLLABORATION REQUIRED.—In es-
4 tablishing the strategy under subparagraph (A),
5 the working group shall collaborate with—

6 (i) the Secretary;

7 (ii) the Secretary of Commerce;

8 (iii) the Secretary of State;

9 (iv) the Secretary of the Treasury;

10 (v) the Nuclear Regulatory Commis-
11 sion;

12 (vi) the President of the Export-Im-
13 port Bank of the United States;

14 (vii) the Chief Executive Officer of the
15 United States International Development
16 Finance Corporation;

17 (viii) the United States Trade Rep-
18 resentative; and

19 (ix) representatives of private indus-
20 try.

21 **SEC. 3. ENGAGEMENT WITH ALLY OR PARTNER NATIONS.**

22 (a) IN GENERAL.—The President shall launch, in ac-
23 cordance with applicable nuclear technology export laws
24 (including regulations), an international initiative to mod-
25 ernize civil nuclear outreach to embarking civil nuclear na-

1 tions in order to improve the efficient and effective export-
2 ing and importing of civil nuclear technologies and mate-
3 rials.

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

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

17 (1) assist nongovernmental organizations and
18 appropriate offices, administrations, agencies, lab-
19 oratories, and programs of the Department of En-
20 ergy and other relevant Federal agencies and offices
21 in providing education and training to foreign gov-
22 ernments in nuclear safety, security, and safe-
23 guards—

24 (A) through engagement with the Inter-
25 national Atomic Energy Agency; or

1 (B) independently, if the applicable entity
2 determines that it would be more advantageous
3 under the circumstances to provide the applica-
4 ble education and training independently;

5 (2) assist the efforts of the International Atom-
6 ic Energy Agency to expand the support provided by
7 the International Atomic Energy Agency to embark-
8 ing civil nuclear nations for nuclear safety, security,
9 and safeguards;

10 (3) coordinate the work of the Chief Executive
11 Officer of the United States International Develop-
12 ment Finance Corporation and the Export-Import
13 Bank of the United States to expand outreach to the
14 private investment community to create public-pri-
15 vate financing relationships to assist in the adoption
16 of civil nuclear technologies by embarking civil nu-
17 clear nations, including through exports from the
18 United States; and

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

21 (A) the Nuclear Regulatory Commission;

22 (B) the Department of Energy;

23 (C) the Department of Commerce;

24 (D) the Nuclear Energy Agency;

1 (E) the International Atomic Energy
2 Agency; and

3 (F) the nuclear regulatory agencies and or-
4 ganizations of embarking civil nuclear nations
5 and ally or partner nations.

6 **SEC. 4. COOPERATIVE FINANCING RELATIONSHIPS WITH**
7 **ALLY OR PARTNER NATIONS AND EMBARK-**
8 **ING CIVIL NUCLEAR NATIONS.**

9 (a) IN GENERAL.—The President shall designate an
10 appropriate White House official, who may be the Assist-
11 ant (if appointed), and the Chief Executive Officer of the
12 United States International Development Finance Cor-
13 poration to coordinate with the officials described in sec-
14 tion 2(a)(2) to develop, as the President determines to be
15 appropriate, financing relationships with ally or partner
16 nations to assist in the adoption of civil nuclear tech-
17 nologies exported from the United States or ally or part-
18 ner nations to embarking civil nuclear nations.

19 (b) UNITED STATES COMPETITIVENESS CLAUSES.—

20 (1) DEFINITION OF UNITED STATES COMPETI-
21 TIVENESS CLAUSE.—In this subsection, the term
22 “United States competitiveness clause” means any
23 United States competitiveness provision in any
24 agreement entered into by the Department of En-
25 ergy, including—

1 (A) a cooperative agreement;

2 (B) a cooperative research and develop-
3 ment agreement; and

4 (C) a patent waiver.

5 (2) CONSIDERATION.—In carrying out sub-
6 section (a), the relevant officials described in that
7 subsection shall consider the impact of United
8 States competitiveness clauses on any financing rela-
9 tionships entered into or proposed to be entered into
10 under that subsection.

11 (3) WAIVER.—The Secretary shall facilitate
12 waivers of United States competitiveness clauses as
13 necessary to facilitate financing relationships with
14 ally or partner nations under subsection (a).

15 **SEC. 5. COOPERATION WITH ALLY OR PARTNER NATIONS**
16 **ON ADVANCED NUCLEAR REACTOR DEM-**
17 **ONSTRATION AND COOPERATIVE RESEARCH**
18 **FACILITIES FOR CIVIL NUCLEAR ENERGY.**

19 (a) IN GENERAL.—Not later than 2 years after the
20 date of enactment of this Act, the Secretary of State, in
21 coordination with the Secretary and the Secretary of Com-
22 merce, shall conduct bilateral and multilateral meetings
23 with not fewer than 5 ally or partner nations, with the
24 aim of enhancing nuclear energy cooperation among those
25 ally or partner nations and the United States, for the pur-

1 pose of developing collaborative relationships with respect
2 to research, development, licensing, and deployment of ad-
3 vanced nuclear reactor technologies for civil nuclear en-
4 ergy.

5 (b) REQUIREMENT.—The meetings described in sub-
6 section (a) shall include—

7 (1) a focus on cooperation to demonstrate and
8 deploy advanced nuclear reactors, with an emphasis
9 on U.S. nuclear energy companies, during the 10-
10 year period beginning on the date of enactment of
11 this Act to provide options for addressing energy se-
12 curity and climate change; and

13 (2) a focus on developing a memorandum of un-
14 derstanding or any other appropriate agreement be-
15 tween the United States and ally or partner nations
16 with respect to—

17 (A) the demonstration and deployment of
18 advanced nuclear reactors; and

19 (B) the development of cooperative re-
20 search facilities.

21 (c) FINANCING ARRANGEMENTS.—In conducting the
22 meetings described in subsection (a), the Secretary of
23 State, in coordination with the Secretary and the Sec-
24 retary of Commerce, shall seek to develop financing ar-
25 rangements to share the costs of the demonstration and

1 deployment of advanced nuclear reactors and the develop-
2 ment of cooperative research facilities with the ally or
3 partner nations participating in those meetings.

4 (d) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Secretary, the Secretary of
6 State, and the Secretary of Commerce shall jointly submit
7 to Congress a report highlighting potential partners—

8 (1) for the establishment of cost-share arrange-
9 ments described in subsection (c); or

10 (2) with which the United States may enter
11 into agreements with respect to—

12 (A) the demonstration of advanced nuclear
13 reactors; or

14 (B) cooperative research facilities.

15 **SEC. 6. INTERNATIONAL CIVIL NUCLEAR ENERGY CO-**
16 **OPERATION.**

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

19 (1) in the matter preceding paragraph (1), by
20 striking “The Secretary” and inserting the fol-
21 lowing:

22 “(a) IN GENERAL.—The Secretary”;

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

24 (A) in paragraph (1)—

25 (i) by striking “financing,”; and

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

3 (B) in paragraph (2)—

4 (i) in subparagraph (A), by striking
5 “preparations for”; and

6 (ii) in subparagraph (C)(v), by strik-
7 ing the period at the end and inserting a
8 semicolon; and

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

10 “(3) to support, in coordination with the Sec-
11 retary of State, the safe, secure, and peaceful use of
12 civil nuclear technology in countries developing nu-
13 clear energy programs, with a focus on countries
14 that have increased civil nuclear cooperation with
15 the Russian Federation or the People’s Republic of
16 China; and

17 “(4) to promote the fullest utilization of the re-
18 actors, fuel, equipment, services, and technology of
19 U.S. nuclear energy companies (as defined in section
20 7 of the Recoup American Nuclear Global Leader-
21 ship Act) in civil nuclear energy programs outside
22 the United States through—

23 “(A) bilateral and multilateral arrange-
24 ments developed and executed in coordination
25 with the Secretary of State that contain com-

1 mitments for the utilization of the reactors,
2 fuel, equipment, services, and technology of
3 U.S. nuclear energy companies (as defined in
4 that section);

5 “(B) the designation of 1 or more U.S. nu-
6 clear energy companies (as defined in that sec-
7 tion) to implement an arrangement under sub-
8 paragraph (A) if the Secretary determines that
9 the designation is necessary and appropriate to
10 achieve the objectives of this section;

11 “(C) the waiver of any provision of law re-
12 lating to competition with respect to any activ-
13 ity related to an arrangement under subpara-
14 graph (A) if the Secretary, in consultation with
15 the Attorney General and the Secretary of
16 Commerce, determines that a waiver is nec-
17 essary and appropriate to achieve the objectives
18 of this section; and

19 “(D) the issuance of loans, loan guaran-
20 tees, other financial assistance, or assistance in
21 the form of an equity interest to carry out ac-
22 tivities related to an arrangement under sub-
23 paragraph (A), to the extent appropriated funds
24 are available.”; and

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

1 “(b) REQUIREMENTS.—The program under sub-
2 section (a) shall be supported in consultation with the Sec-
3 retary of State and implemented by the Secretary—

4 “(1) to facilitate, to the maximum extent prac-
5 ticable, workshops and expert-based exchanges to en-
6 gage industry, stakeholders, and foreign govern-
7 ments with respect to international civil nuclear
8 issues, such as—

9 “(A) training;

10 “(B) financing;

11 “(C) safety;

12 “(D) security;

13 “(E) safeguards;

14 “(F) liability;

15 “(G) advanced fuels;

16 “(H) operations; and

17 “(I) options for multinational cooperation
18 with respect to the disposal of spent nuclear
19 fuel (as defined in section 2 of the Nuclear
20 Waste Policy Act of 1982 (42 U.S.C. 10101));
21 and

22 “(2) in coordination with—

23 “(A) the National Security Council;

24 “(B) the Secretary of State;

25 “(C) the Secretary of Commerce; and

1 “(D) the Nuclear Regulatory Commis-
2 sion.”.

3 **SEC. 7. DEFINITIONS.**

4 In this Act:

5 (1) **ADVANCED NUCLEAR REACTOR.**—The term
6 “advanced nuclear reactor” means—

7 (A) a nuclear fission reactor, including a
8 prototype plant (as defined in sections 50.2 and
9 52.1 of title 10, Code of Federal Regulations
10 (or successor regulations)), with significant im-
11 provements compared to reactors operating on
12 October 19, 2016, including improvements such
13 as—

14 (i) additional inherent safety features;

15 (ii) lower waste yields;

16 (iii) improved fuel and material per-
17 formance;

18 (iv) increased tolerance to loss of fuel
19 cooling;

20 (v) enhanced reliability or improved
21 resilience;

22 (vi) increased proliferation resistance;

23 (vii) increased thermal efficiency;

24 (viii) reduced consumption of cooling
25 water and other environmental impacts;

1 (ix) the ability to integrate into elec-
2 tric applications and nonelectric applica-
3 tions;

4 (x) modular sizes to allow for deploy-
5 ment that corresponds with the demand
6 for electricity or process heat; and

7 (xi) operational flexibility to respond
8 to changes in demand for electricity or
9 process heat and to complement integra-
10 tion with intermittent renewable energy or
11 energy storage;

12 (B) a fusion reactor; and

13 (C) a radioisotope power system that uti-
14 lizes heat from radioactive decay to generate
15 energy.

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

18 (A) the Government of any country that is
19 a member of the Organisation for Economic Co-
20 operation and Development;

21 (B) the Government of the Republic of
22 India; and

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

1 (3) ASSISTANT.—The term “Assistant” means
2 the Assistant to the President and Director for
3 International Nuclear Energy Policy described in
4 section 2(a)(1)(D).

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

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

8 (i) an ally or partner nation; or

9 (ii) an associated individual; or

10 (B) is organized under the laws of, or oth-
11 erwise subject to the jurisdiction of, a country
12 described in paragraph (2), including a corpora-
13 tion that is incorporated in a country described
14 in that paragraph.

15 (5) ASSOCIATED INDIVIDUAL.—The term “asso-
16 ciated individual” means a foreign national who is a
17 national of a country described in paragraph (2).

18 (6) CIVIL NUCLEAR.—The term “civil nuclear”
19 means activities relating to—

20 (A) nuclear plant construction;

21 (B) nuclear fuel services;

22 (C) nuclear energy financing;

23 (D) nuclear plant operations;

24 (E) nuclear plant regulation;

25 (F) nuclear medicine;

- 1 (G) nuclear safety;
- 2 (H) community engagement in areas in
- 3 reasonable proximity to nuclear sites;
- 4 (I) infrastructure support for nuclear en-
- 5 ergy;
- 6 (J) nuclear plant decommissioning;
- 7 (K) nuclear liability;
- 8 (L) safe storage and safe disposal of spent
- 9 nuclear fuel;
- 10 (M) environmental safeguards;
- 11 (N) nuclear nonproliferation and security;
- 12 and
- 13 (O) technology related to the matters de-
- 14 scribed in subparagraphs (A) through (N).

15 (7) EMBARKING CIVIL NUCLEAR NATION.—

16 (A) IN GENERAL.—The term “embarking

17 civil nuclear nation” means a country that—

18 (i) does not have a civil nuclear en-

19 ergy program;

20 (ii) is in the process of developing or

21 expanding a civil nuclear energy program,

22 including safeguards and a legal and regu-

23 latory framework, for—

24 (I) nuclear safety;

25 (II) nuclear security;

1 (III) radioactive waste manage-
2 ment;

3 (IV) civil nuclear energy;

4 (V) environmental safeguards;

5 (VI) community engagement in
6 areas in reasonable proximity to nu-
7 clear sites;

8 (VII) nuclear liability; or

9 (VIII) advanced nuclear reactor
10 licensing;

11 (iii) is in the process of selecting, de-
12 veloping, constructing, or utilizing ad-
13 vanced light water reactors, advanced nu-
14 clear reactors, or advanced civil nuclear
15 technologies; or

16 (iv) had an annual per capita gross
17 domestic product of not more than
18 \$28,000 in 2020.

19 (B) EXCLUSIONS.—The term “embarking
20 civil nuclear nation” does not include—

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

22 (ii) the Russian Federation;

23 (iii) the Republic of Belarus;

24 (iv) the Islamic Republic of Iran;

- 1 (v) the Democratic People’s Republic
2 of Korea;
- 3 (vi) the Republic of Cuba;
- 4 (vii) the Bolivarian Republic of Ven-
5 ezuela;
- 6 (viii) the Syrian Arab Republic;
- 7 (ix) Burma; or
- 8 (x) any other country—
- 9 (I) the property or interests in
10 property of the government of which
11 are blocked pursuant to the Inter-
12 national Emergency Economic Powers
13 Act (50 U.S.C. 1701 et seq.); or
- 14 (II) the government of which the
15 Secretary of State has determined has
16 repeatedly provided support for acts
17 of international terrorism for purposes
18 of—
- 19 (aa) section 620A(a) of the
20 Foreign Assistance Act of 1961
21 (22 U.S.C. 2371(a));
- 22 (bb) section 40(d) of the
23 Arms Export Control Act (22
24 U.S.C. 2780(d));

1 (cc) section 1754(c)(1)(A)(i)
2 of the Export Control Reform
3 Act of 2018 (50 U.S.C.
4 4813(c)(1)(A)(i)); or
5 (dd) any other relevant pro-
6 vision of law.

7 (8) NUCLEAR SAFETY.—The term “nuclear
8 safety” means issues relating to the design, con-
9 struction, operation, or decommissioning of nuclear
10 facilities in a manner that provides reasonable assur-
11 ance of adequate protection for workers, the public,
12 and the environment, including—

13 (A) the safe operation of nuclear reactors
14 and other nuclear facilities;

15 (B) radiological protection of—

16 (i) members of the public;

17 (ii) workers; and

18 (iii) the environment;

19 (C) nuclear waste management;

20 (D) emergency preparedness;

21 (E) nuclear liability; and

22 (F) the safe transportation of nuclear ma-
23 terials.

24 (9) SECRETARY.—The term “Secretary” means
25 the Secretary of Energy.

1 (10) SPENT NUCLEAR FUEL.—The term “spent
2 nuclear fuel” has the meaning given the term in sec-
3 tion 2 of the Nuclear Waste Policy Act of 1982 (42
4 U.S.C. 10101).

5 (11) U.S. NUCLEAR ENERGY COMPANY.—The
6 term “U.S. nuclear energy company” means a com-
7 pany that—

8 (A) is organized under the laws of, or oth-
9 erwise subject to the jurisdiction of, the United
10 States; and

11 (B) is involved in the nuclear energy indus-
12 try.

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