

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To encourage the development and deployment of nuclear energy, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To encourage the development and deployment of nuclear energy, 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 “Nuclear Energy Inno-  
5 vation and Deployment Act of 2026”.

6 **SEC. 2. DEPARTMENT OF ENERGY AUTHORITIES FOR NU-**  
7 **CLEAR FACILITIES.**

8 (a) AMENDMENTS.—

9 (1) ENERGY REORGANIZATION ACT OF 1974.—

1 (A) IN GENERAL.—Section 202 of the En-  
2 ergy Reorganization Act of 1974 (42 U.S.C.  
3 5842) is amended—

4 (i) by striking the section designation  
5 and heading and all that follows through  
6 “Notwithstanding” in the matter preceding  
7 paragraph (1) and inserting the following:

8 **“SEC. 202. LICENSING AND RELATED REGULATORY FUNC-**  
9 **TIONS RESPECTING SELECTED DEPARTMENT**  
10 **OF ENERGY FACILITIES.**

11 “Notwithstanding”;

12 (ii) in the matter preceding paragraph  
13 (1), by striking “Administration” and in-  
14 serting “Department of Energy”;

15 (iii) by striking paragraphs (1) and  
16 (2);

17 (iv) in paragraph (4), by striking  
18 “Administration” and inserting “Depart-  
19 ment of Energy”; and

20 (v) by redesignating paragraphs (3)  
21 through (5) as paragraphs (1) through (3),  
22 respectively.

23 (B) CONFORMING AMENDMENTS.—

24 (i) Section 3134 of division C of the  
25 Strom Thurmond National Defense Au-

1                   thorization Act for Fiscal Year 1999 is  
2                   amended—

3                                 (I) in subsection (b) (42 U.S.C.  
4                                 5842 note; Public Law 105–261)—

5   (aa) by striking “(42 U.S.C.  
6   7272)” and inserting “(50  
7   U.S.C. 2513)”; and

8   (bb) by striking “section  
9   202(5)” and all that follows  
10   through the period at the end  
11   and inserting “paragraph (3) of  
12   section 202 of the Energy Reor-  
13   ganization Act of 1974 (42  
14   U.S.C. 5842).”; and

15                                 (II) in subsection (c) (42 U.S.C.  
16                                 5842 note; Public Law 105–261), by  
17                                 striking “section 202(5)” and all that  
18                                 follows through “subsection (a),” and  
19                                 inserting “paragraph (3) of section  
20                                 202 of the Energy Reorganization Act  
21                                 of 1974 (42 U.S.C. 5842)”.

22                                 (ii) Section 141(d) of the Nuclear  
23                                 Waste Policy Act of 1982 (42 U.S.C.  
24                                 10161(d)) is amended, in the first sen-  
25                                 tence, by striking “section 202(3) of the

1 Energy Reorganization Act of 1974 (42  
2 U.S.C. 5842(3))” and inserting “para-  
3 graph (1) of section 202 of the Energy Re-  
4 organization Act of 1974 (42 U.S.C.  
5 5842)”.

6 (iii) Section 148(c) of the Nuclear  
7 Waste Policy Act of 1982 (42 U.S.C.  
8 10168(c)) is amended, in the first sen-  
9 tence, by striking “section 202(3) of the  
10 Energy Reorganization Act of 1974 (42  
11 U.S.C. 5842(3))” and inserting “para-  
12 graph (1) of section 202 of the Energy Re-  
13 organization Act of 1974 (42 U.S.C.  
14 5842)”.

15 (2) ATOMIC ENERGY ACT OF 1954.—Section 110  
16 a. of the Atomic Energy Act of 1954 (42 U.S.C.  
17 2140(a)) is amended—

18 (A) by striking “Commission; or (2) the  
19 construction” and all that follows through “;  
20 or” at the end of subsection a. and inserting  
21 the following: “Nuclear Regulatory Commission  
22 or the Department of Energy;

23 “(2) the construction or operation of facili-  
24 ties, or the conduct of activities involving source  
25 material, byproduct material, or special nuclear

1 material, under contract with and for the ac-  
2 count of the Department of Energy at any loca-  
3 tion, including such facilities or activities spon-  
4 sored by a person; or”;

5 (B) by striking “a license for (1) the proc-  
6 essing,” and inserting the following: “a license  
7 for—

8 “(1) the processing;”; and

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

10 “(3) the construction or operation of com-  
11 mercial facilities and related activities, includ-  
12 ing the construction and operation of nuclear  
13 fuel cycle facilities, involving source material,  
14 byproduct material, or special nuclear material  
15 authorized and regulated by the Department of  
16 Energy—

17 “(A) on Federal land; or

18 “(B) for Federal purposes, including  
19 for the purpose of the generation, sale, or  
20 delivery of electricity to a Federal power  
21 marketing agency (as defined in section 3  
22 of the Federal Power Act (16 U.S.C.  
23 796)); or”.

24 (3) ENERGY POLICY ACT OF 2005.—Section  
25 958(g) of the Energy Policy Act of 2005 (42 U.S.C.

1 16278(g)) is amended by striking the subsection  
2 designation and heading and all that follows through  
3 “Any activity” in paragraph (2) and inserting the  
4 following:

5 “(g) FINANCIAL PROTECTION.—Any activity”.

6 (b) REGULATORY REVISION REQUIRED.—Not later  
7 than 1 year after the date of enactment of this Act, the  
8 Nuclear Regulatory Commission shall revise sections  
9 30.12, 40.11, 50.11, and 70.11 of title 10, Code of Fed-  
10 eral Regulations, and such other applicable regulations as  
11 may be identified by the Commission, to remove limita-  
12 tions on the statutory authority of the Secretary of Energy  
13 with respect to activities performed off of Federal Govern-  
14 ment-owned or Federal Government-controlled sites.

15 (c) FINANCIAL PROTECTION.—Any activity carried  
16 out pursuant to this section or an amendment made by  
17 this section that is authorized and regulated by the De-  
18 partment of Energy and involves the risk of public liability  
19 shall be subject to the financial protection or indemnifica-  
20 tion requirements of section 170 d. of the Atomic Energy  
21 Act of 1954 (42 U.S.C. 2210(d)) (commonly known as the  
22 “Price-Anderson Act”).

23 **SEC. 3. NUCLEAR ENERGY LAUNCH PAD.**

24 Section 958 of the Energy Policy Act of 2005 (42  
25 U.S.C. 16278) is amended—

1           (1) by redesignating subsection (g) (as amended  
2           by section 2(a)(3)) as subsection (h); and

3           (2) by inserting after subsection (f) the fol-  
4           lowing:

5           “(g) NUCLEAR ENERGY LAUNCH PAD.—

6           “(1) DEFINITIONS.—In this subsection:

7           “(A) ADVANCED NUCLEAR TECH-  
8           NOLOGY.—The term ‘advanced nuclear tech-  
9           nology’ includes—

10           “(i) an advanced nuclear reactor; and

11           “(ii) a nuclear fuel cycle facility.

12           “(B) ASSISTANT SECRETARY.—The term  
13           ‘Assistant Secretary’ means the Assistant Sec-  
14           retary for Nuclear Energy.

15           “(C) ELIGIBLE PRIVATE ENTITY.—The  
16           term ‘eligible private entity’ means a private en-  
17           tity that the Assistant Secretary determines has  
18           an adequately mature design for, sufficient fi-  
19           nancial resources and expertise in, and a high  
20           chance of success in testing or demonstrating  
21           the commercial feasibility of advanced nuclear  
22           technologies.

23           “(D) LAUNCH PAD.—The term ‘Launch  
24           Pad’ means the Nuclear Energy Launch Pad  
25           established by paragraph (2).

1           “(E) NUCLEAR ENERGY LAUNCH PAD  
2           ZONE.—The term ‘Nuclear Energy Launch Pad  
3           Zone’ means a Nuclear Energy Launch Pad  
4           Zone designated by the Assistant Secretary  
5           under paragraph (3).

6           “(2) ESTABLISHMENT.—There is established  
7           within the Office of Nuclear Energy a program, to  
8           be known as the ‘Nuclear Energy Launch Pad’, as  
9           a component of the program under subsection (a).

10           “(3) NUCLEAR ENERGY LAUNCH PAD ZONES.—

11           “(A) IN GENERAL.—In carrying out the  
12           Launch Pad, the Assistant Secretary shall iden-  
13           tify and designate secure, authorized areas of  
14           Federal land, including land owned or con-  
15           trolled by the Department and National Lab-  
16           oratory sites as Nuclear Energy Launch Pad  
17           Zones for the purpose of testing and dem-  
18           onstrating the commercial feasibility of ad-  
19           vanced nuclear technologies by eligible private  
20           entities under authorities of the Department,  
21           including nuclear fuel cycle facilities necessary  
22           to support the testing and demonstration of  
23           other advanced nuclear technologies, to enable  
24           access to streamlined licensing opportunities  
25           and facilitate transition to commercial operation

1 under Nuclear Regulatory Commission authori-  
2 ties after testing and demonstration activities  
3 are complete.

4 “(B) ADDITIONAL PATHWAYS.—In addi-  
5 tion to Nuclear Energy Launch Pad Zones des-  
6 ignated under subparagraph (A), the Assistant  
7 Secretary shall, in carrying out the Launch  
8 Pad, provide a pathway for testing and dem-  
9 onstrating the commercial feasibility of ad-  
10 vanced nuclear technologies by eligible private  
11 entities under the authorities of the Depart-  
12 ment at non-Federal sites, which, on completion  
13 of the pathway, shall also be designated as Nu-  
14 clear Energy Launch Pad Zones.

15 “(4) RESPONSIBILITIES AND DEVELOPMENT  
16 ACTIVITIES.—The Assistant Secretary shall ensure  
17 the success and acceleration of testing and dem-  
18 onstration projects within Nuclear Energy Launch  
19 Pad Zones by carrying out each of the following ac-  
20 tivities in Nuclear Energy Launch Pad Zones lo-  
21 cated on land owned or controlled by the Depart-  
22 ment and National Laboratory sites:

23 “(A) BASIC INFRASTRUCTURE.—Providing  
24 to the extent practicable, basic access infra-  
25 structure to eligible private entities selected

1 under paragraph (5)(A), including roads, elec-  
2 tric power, water, and fiber optic communica-  
3 tion connectivity.

4 “(B) LAND CHARACTERIZATION.—Car-  
5 rying out land characterization and assessment  
6 activities through the program under subsection  
7 (a), as appropriate, necessary to facilitate accel-  
8 erated deployment, including biological, cul-  
9 tural, and other environmental surveys required  
10 for the testing and demonstration of advanced  
11 nuclear technologies.

12 “(5) PRIVATE ENTITY SOLICITATION AND SE-  
13 LECTION.—

14 “(A) COMPETITIVE PROCESS.—

15 “(i) IN GENERAL.—The Assistant  
16 Secretary, acting through the program  
17 under subsection (a), shall solicit and se-  
18 lect eligible private entities for participa-  
19 tion in the Launch Pad through an adver-  
20 tised, competitive process designed to se-  
21 lect the most promising advanced nuclear  
22 technologies.

23 “(ii) INITIAL SOLICITATIONS.—Not  
24 later than 180 days after the date of en-  
25 actment of the Nuclear Energy Innovation

1 and Deployment Act of 2026, the Assist-  
2 ant Secretary shall—

3 “(I) finalize the competitive proc-  
4 ess required under clause (i); and

5 “(II) begin soliciting eligible pri-  
6 vate entities pursuant to that clause.

7 “(B) AGREEMENTS.—

8 “(i) IN GENERAL.—The Assistant  
9 Secretary shall seek to enter into flexible  
10 agreements with eligible private entities se-  
11 lected under subparagraph (A) to grant  
12 rights of use, occupancy, and operation  
13 within Nuclear Energy Launch Pad Zones.

14 “(ii) INCLUSIONS.—An agreement  
15 under clause (i) may take the form of—

16 “(I) an enhanced use lease;

17 “(II) a transaction authorized  
18 under section 646(g) of the Depart-  
19 ment of Energy Organization Act (42  
20 U.S.C. 7256(g));

21 “(III) a Strategic Partnership  
22 Project agreement with the Depart-  
23 ment’s management and operations  
24 contractor for a National Laboratory;  
25 or

1                                   “(IV) any other contractual in-  
2                                   strument that the Assistant Secretary  
3                                   determines appropriate for a given  
4                                   project.

5                                   “(6) STREAMLINED LICENSING PATHWAYS.—  
6                                   The Assistant Secretary shall seek to leverage the  
7                                   existing Department authorities for advanced nu-  
8                                   clear technologies and the existing framework for co-  
9                                   ordination with the Nuclear Regulatory Commission,  
10                                  including the memorandum of understanding be-  
11                                  tween the Department and the Nuclear Regulatory  
12                                  Commission relating to nuclear energy innovation  
13                                  and effective on October 7, 2019 (including subse-  
14                                  quent addenda to that memorandum), or, if nec-  
15                                  essary, may enter into a new memorandum of under-  
16                                  standing to provide for expedited licensing pathways  
17                                  for advanced nuclear technologies that are tested or  
18                                  demonstrated under the Launch Pad.

19                                  “(7) DOE AUTHORITIES.—A facility con-  
20                                  structed and operated under the Launch Pad for  
21                                  testing and demonstration purposes shall be consid-  
22                                  ered to be under contract with and for the account  
23                                  of the Department for purposes of section 110 a. of  
24                                  the Atomic Energy Act of 1954 (42 U.S.C.  
25                                  2140(a)).

1           “(8) NON-FEDERAL COST RESPONSIBILITY.—  
2           Eligible private entities selected to participate in the  
3           Launch Pad under paragraph (5)(A) shall bear the  
4           full costs of design, construction, operation, and de-  
5           commissioning of advanced nuclear technologies au-  
6           thorized under the Launch Pad.

7           “(9) FINANCIAL ASSURANCE.—

8           “(A) IN GENERAL.—The Assistant Sec-  
9           retary may require, as a condition of an agree-  
10          ment under paragraph (5)(B)(i), that an eligi-  
11          ble private entity provide financial assurance in  
12          such form, amount, and duration as the Assist-  
13          ant Secretary determines appropriate to ensure  
14          the fulfillment of obligations to the Department  
15          in the event of abandonment, default, or other  
16          failure to perform.

17          “(B) TYPES OF ASSURANCE; PHASED  
18          BASIS.—Financial assurance under this para-  
19          graph—

20                 “(i) may include surety bonds, letters  
21                 of credit, insurance, parent company guar-  
22                 antees, or other financial instruments ac-  
23                 ceptable to the Assistant Secretary; and

24                 “(ii) may be established on a phased  
25                 basis in accordance with project develop-

1                   ment milestones, including to cover decom-  
2                   missioning, site restoration, and related  
3                   costs.

4                   “(10) SAVINGS PROVISION.—Nothing in this  
5                   subsection limits or otherwise diminishes the statu-  
6                   tory authority of the Secretary under the Atomic  
7                   Energy Act of 1954 (42 U.S.C. 2011 et seq.) or any  
8                   other provision of law, including with respect to ac-  
9                   tivities performed off of Federal Government-owned  
10                  or Federal Government-controlled sites.”.

11 **SEC. 4. ROLE OF FEDERAL POWER MARKETING ADMINIS-**  
12                   **TRATIONS WITH RESPECT TO NUCLEAR**  
13                   **POWER.**

14                  (a) IN GENERAL.—Section 302(a) of the Department  
15 of Energy Organization Act (42 U.S.C. 7152) is amend-  
16 ed—

17                  (1) in paragraph (2)—

18                         (A) in the first sentence, by striking “Ad-  
19                         ministration, shall” and inserting “Administra-  
20                         tion shall”; and

21                         (B) in the second sentence, by striking “in  
22                         paragraphs (1) (A), (1) (B), (1) (C), and (1)  
23                         (D)” and inserting “subparagraphs (A) through  
24                         (C) of paragraph (1)”;

25                  (2) in paragraph (3)—

1 (A) in the first sentence, by striking “in  
2 paragraphs (1) (E) and (1) (F)” and inserting  
3 “by subparagraphs (D) and (E) of paragraph  
4 (1)”; and

5 (B) in the second sentence by striking “(1)  
6 (E)” and inserting “(1)(D)”; and  
7 (3) by adding at the end the following:

8 “(4)(A) The Secretary may utilize the Federal  
9 power marketing administrations (including the  
10 Southeastern Power Administration, the South-  
11 western Power Administration, the Bonneville Power  
12 Administration, and the Western Area Power Ad-  
13 ministration) to purchase, transmit, or enter into  
14 contracts to market electric power generated by nu-  
15 clear facilities.

16 “(B) The authority provided under this para-  
17 graph shall be exercised in accordance with, and  
18 subject to, the authorities, limitations, and proce-  
19 dural requirements otherwise applicable to a Federal  
20 power marketing administration with respect to the  
21 acquisition of electric power resources under other-  
22 wise applicable law.”.

23 (b) FEDERAL POWER.—

24 (1) IN GENERAL.—Unless expressly provided  
25 otherwise, any reference in any provision of Federal

1 law (including regulations) to Federal power or elec-  
2 tric energy generated at a Federal project shall be  
3 deemed to include electric energy generated by a nu-  
4 clear facility to the extent that such electric energy  
5 is purchased, transmitted, or marketed by a Federal  
6 power marketing agency (as defined in section 3 of  
7 the Federal Power Act (16 U.S.C. 796)).

8 (2) **RULE OF CONSTRUCTION.**—Nothing in this  
9 subsection alters or supersedes the authorities, limi-  
10 tations, or procedural requirements applicable to a  
11 Federal power marketing administration with re-  
12 spect to the acquisition of electric power resources  
13 under otherwise applicable law.

14 **SEC. 5. ADVANCED REACTOR DEMONSTRATION PROGRAM.**

15 Section 959A of the Energy Policy Act of 2005 is  
16 amended—

17 (1) by redesignating subsection (f) as sub-  
18 section (g); and

19 (2) by inserting after subsection (e) the fol-  
20 lowing:

21 “(f) **OFFICE OF NUCLEAR ENERGY.**—

22 “(1) **IN GENERAL.**—The program established  
23 under subsection (b) shall be administered by the  
24 Office of Nuclear Energy of the Department.



1           (1) IN GENERAL.—In carrying out the Pro-  
2           gram, the Assistant Secretary, in collaboration with  
3           the Under Secretary for Nuclear Security and the  
4           Assistant Secretary for Environmental Management,  
5           shall—

6                   (A) utilize solicitations, requests for appli-  
7                   cations, expressions of interest, or other selec-  
8                   tion processes issued before, on, or after the  
9                   date of enactment of this Act to identify, qual-  
10                  ify, and select United States commercial nu-  
11                  clear fuel fabricators and other entities that  
12                  have been deemed qualified by the Assistant  
13                  Secretary, including having contracted fuel  
14                  offtake (in this section referred to as “partici-  
15                  pants”), to receive and utilize surplus pluto-  
16                  nium for fabrication into fuel for advanced nu-  
17                  clear reactors;

18                   (B) enter into agreements with partici-  
19                   pants under the authority provided by section  
20                   646(g) of the Department of Energy Organiza-  
21                   tion Act (42 U.S.C. 7256(g)); and

22                   (C) distribute such plutonium to partici-  
23                   pants for processing and fabrication through a  
24                   milestone-based program that requires partici-  
25                   pants to meet particular technical, security, and

1           safeguards milestones, as agreed to by the As-  
2           sistant Secretary and the Under Secretary for  
3           Nuclear Security, before a participant is award-  
4           ed portions of material by the Department.

5           (2) **TIMELINE.**—The Assistant Secretary shall  
6           continue and, as necessary, complete activities under  
7           paragraph (1) as follows:

8                   (A) Not later than 180 days after the date  
9                   of enactment of this Act, the Assistant Sec-  
10                  retary shall complete the execution of initial  
11                  agreements under paragraph (1)(B).

12                  (B) Not later than January 1, 2028, the  
13                  Assistant Secretary shall commence distribution  
14                  of material under paragraph (1)(C), subject to  
15                  participants meeting the milestones required  
16                  under the Program.

17                  (C) Not later than January 1, 2035, the  
18                  Assistant Secretary shall complete distribution  
19                  of material under paragraph (1)(C), subject to  
20                  participants meeting the milestones required  
21                  under the Program.

22           (c) **TERMINATION OF SURPLUS PLUTONIUM DILUTE**  
23 **AND DISPOSE PROGRAM.**—Not later than 180 days after  
24 the date of enactment of this Act, the Secretary of Energy  
25 shall—

1           (1) terminate the Surplus Plutonium Dilute  
2 and Dispose Program, except to the extent needed to  
3 dispose of material that presents a safety concern or  
4 is not of use to the Office of Nuclear Energy; and  
5           (2) resume operations of HB Line at the Sa-  
6 vannah River Site, South Carolina.

7           (d) TRANSFER.—

8           (1) IN GENERAL.—Upon termination of the  
9 Surplus Plutonium Dilute and Dispose Program  
10 pursuant to subsection (c), any unobligated amounts  
11 previously appropriated or otherwise made available  
12 to the Department of Energy for the Surplus Pluto-  
13 nium Dilute and Dispose Program shall be trans-  
14 ferred to the Office of Nuclear Energy, except to the  
15 extent such amounts are needed to complete proc-  
16 essing and transfer of final disposition of previously  
17 downblended material.

18           (2) USE OF FUNDS.—The Assistant Secretary  
19 shall use the funds transferred pursuant to para-  
20 graph (1) carry out this section.

21           (e) ANNUAL BRIEFING.—Not later than 1 year after  
22 the date of enactment of this Act, and annually thereafter  
23 until such time the Program is completed, the Assistant  
24 Secretary, in coordination with the Under Secretary for  
25 Nuclear Security and the Assistant Secretary for Environ-

1 mental Management, shall provide to the Committee on  
2 Energy and Natural Resources of the Senate, the Com-  
3 mittee on Armed Services of the Senate, the Committee  
4 on Energy and Commerce of the House of Representa-  
5 tives, and the Committee on Armed Services of the House  
6 of Representatives a briefing on the progress of the Pro-  
7 gram.

8 (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
9 tion shall be construed to modify or otherwise affect the  
10 legal obligations of the Department of Energy to the State  
11 of South Carolina.