

116TH CONGRESS  
1ST SESSION

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

To amend the Nuclear Waste Policy Act of 1982, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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

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**A BILL**

To amend the Nuclear Waste Policy Act of 1982, 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; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Nuclear Waste Policy Amendments Act of 2019”.

6       (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—MONITORED RETRIEVABLE STORAGE**

Sec. 101. Monitored retrievable storage.

Sec. 102. Authorization and priority.

Sec. 103. Conditions for MRS agreements.

Sec. 104. Survey.

Sec. 105. Site selection.

- Sec. 106. Benefits agreement.
- Sec. 107. Licensing.
- Sec. 108. Financial assistance.

#### TITLE II—PERMANENT REPOSITORY

- Sec. 201. Land withdrawal, jurisdiction, and reservation.
- Sec. 202. Application procedures and infrastructure activities.
- Sec. 203. Pending repository license application.
- Sec. 204. Limitation on planning, development, or construction of defense waste repository.
- Sec. 205. Sense of Congress regarding transportation routes.

#### TITLE III—DOE CONTRACT PERFORMANCE

- Sec. 301. Title to material.

#### TITLE IV—BENEFITS TO HOST COMMUNITY

- Sec. 401. Consent.
- Sec. 402. Content of agreements.
- Sec. 403. Covered units of local government.
- Sec. 404. Termination.
- Sec. 405. Priority funding for certain institutions of higher education.
- Sec. 406. Disposal of spent nuclear fuel.
- Sec. 407. Updated report.

#### TITLE V—FUNDING

- Sec. 501. Assessment and collection of fees.
- Sec. 502. Use of Waste Fund.
- Sec. 503. Annual multiyear budget proposal.
- Sec. 504. Availability of certain amounts.

#### TITLE VI—MISCELLANEOUS

- Sec. 601. Certain standards and criteria.
- Sec. 602. Application.
- Sec. 603. Transportation safety assistance.
- Sec. 604. Office of Spent Nuclear Fuel.
- Sec. 605. Subseabed or ocean water disposal.
- Sec. 606. Budgetary effects.
- Sec. 607. Requirement for financial statements summary.
- Sec. 608. Stranded nuclear waste.

## 1                   **TITLE I—MONITORED** 2                   **RETRIEVABLE STORAGE**

### 3   **SEC. 101. MONITORED RETRIEVABLE STORAGE.**

- 4           (a) PROPOSAL.—Section 141(b) of the Nuclear
- 5 Waste Policy Act of 1982 (42 U.S.C. 10161(b)) is amend-
- 6 ed—

1 (1) in paragraph (1)—

2 (A) by striking “1985” and inserting  
3 “2019”; and

4 (B) by striking “the construction of”;

5 (2) in paragraph (2)—

6 (A) by amending subparagraph (C) to read  
7 as follows:

8 “(C) designs, specifications, and cost estimates  
9 sufficient to—

10 “(i) solicit bids for the construction of one  
11 or more such facilities; and

12 “(ii) enable completion and operation of  
13 such a facility as soon as practicable;”;

14 (B) in subparagraph (D), by striking “this  
15 Act.” and inserting “this Act; and”; and

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

17 “(E) options to enter into MRS agreements  
18 with respect to one or more monitored retrievable  
19 storage facilities.”; and

20 (3) by amending paragraph (4) to read as fol-  
21 lows:

22 “(4) The Secretary shall, not later than 90 days after  
23 the date of enactment of the Nuclear Waste Policy  
24 Amendments Act of 2019, publish a request for informa-  
25 tion to help the Secretary evaluate options for the Sec-

1 retary to enter into MRS agreements with respect to one  
2 or more monitored retrievable storage facilities.”.

3 (b) ADDITIONAL AMENDMENTS.—

4 (1) IN GENERAL.—Section 141 of the Nuclear  
5 Waste Policy Act of 1982 (42 U.S.C. 10161) is fur-  
6 ther amended—

7 (A) in subsection (c)(2)—

8 (i) by striking “If the Congress” and  
9 all that follows through “monitored retriev-  
10 able storage facility, the” and inserting  
11 “The”; and

12 (ii) by striking “construction of such  
13 facility” and inserting “construction of a  
14 monitored retrievable storage facility”; and

15 (B) by striking subsections (d) through  
16 (h).

17 (2) DEFINITIONS.—Section 2 of the Nuclear  
18 Waste Policy Act of 1982 (42 U.S.C. 10101) is  
19 amended—

20 (A) in paragraph (34), by striking “the  
21 storage facility” and inserting “a storage facil-  
22 ity”; and

23 (B) by adding at the end the following:

24 “(35) The term ‘MRS agreement’ means a co-  
25 operative agreement, contract, or other mechanism

1 that the Secretary considers appropriate to support  
2 the storage of Department-owned civilian waste in  
3 one or more monitored retrievable storage facilities  
4 as authorized under section 142(b)(2).

5 “(36) The term ‘Department-owned civilian  
6 waste’ means high-level radioactive waste, or spent  
7 nuclear fuel, resulting from civilian nuclear activi-  
8 ties, to which the Department holds title.”.

9 (3) TECHNICAL AMENDMENTS.—Section 146 of  
10 the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
11 10166) is amended—

12 (A) in subsection (a), by striking “such  
13 subsection” and inserting “subsection (f) of  
14 such section”; and

15 (B) in subsection (b), by striking “this  
16 subsection” and inserting “this section”.

17 **SEC. 102. AUTHORIZATION AND PRIORITY.**

18 Section 142 of the Nuclear Waste Policy Act of 1982  
19 (42 U.S.C. 10162) is amended by striking subsection (b)  
20 and inserting the following:

21 “(b) AUTHORIZATION.—Subject to the requirements  
22 of this subtitle, the Secretary is authorized to—

23 “(1) site, construct, and operate one or more  
24 monitored retrievable storage facilities; and

1           “(2) store, pursuant to an MRS agreement, De-  
2           partment-owned civilian waste at a monitored re-  
3           trievable storage facility for which a non-Federal en-  
4           tity holds a license described in section 143(1).

5           “(c) PRIORITY.—

6           “(1) IN GENERAL.—Except as provided in para-  
7           graph (2), the Secretary shall prioritize storage of  
8           Department-owned civilian waste at a monitored re-  
9           trievable storage facility authorized under subsection  
10          (b)(2).

11          “(2) EXCEPTION.—

12           “(A) DETERMINATION.—Paragraph (1)  
13           shall not apply if the Secretary determines that  
14           it will be faster and less expensive to site, con-  
15           struct, and operate a facility authorized under  
16           subsection (b)(1), in comparison to a facility  
17           authorized under subsection (b)(2).

18           “(B) NOTIFICATION.—Not later than 30  
19           days after the Secretary makes a determination  
20           described in subparagraph (A), the Secretary  
21           shall submit to Congress written notification of  
22           such determination.”.

1 **SEC. 103. CONDITIONS FOR MRS AGREEMENTS.**

2 (a) AMENDMENT.—Section 143 of the Nuclear Waste  
3 Policy Act of 1982 (42 U.S.C. 10163) is amended to read  
4 as follows:

5 **“SEC. 143. CONDITIONS FOR MRS AGREEMENTS.**

6 “(a) IN GENERAL.—The Secretary may not enter  
7 into an MRS agreement under section 142(b)(2) unless—

8 “(1) the monitored retrievable storage facility  
9 with respect to which the MRS agreement applies  
10 has been licensed by the Commission under the  
11 Atomic Energy Act of 1954 (42 U.S.C. 2011 et  
12 seq.);

13 “(2) the non-Federal entity that is a party to  
14 the MRS agreement has approval to store Depart-  
15 ment-owned civilian waste at such facility from each  
16 of—

17 “(A) the Governor of the State in which  
18 the facility is located;

19 “(B) any unit of general local government  
20 with jurisdiction over the area in which the fa-  
21 cility is located; and

22 “(C) any affected Indian tribe;

23 “(3) except as provided in subsection (b), the  
24 Commission has issued a final repository decision;  
25 and

1           “(4) the MRS agreement provides that the  
2           quantity of high-level radioactive waste and spent  
3           nuclear fuel at the site of the facility at any one  
4           time will not exceed the limits described in section  
5           148(d)(3) and (4).

6           “(b) INITIAL AGREEMENT.—

7           “(1) AUTHORIZATION.—The Secretary may  
8           enter into one MRS agreement under section  
9           142(b)(2) before the Commission has issued a final  
10          repository decision.

11          “(2) FUNDING.—There are authorized to be ap-  
12          propriated to carry out this subsection—

13                  “(A) for each of fiscal years 2020 through  
14                  2022, the greater of—

15                          “(i) \$50,000,000; or

16                          “(ii) the amount that is equal to 10  
17                          percent of the amounts appropriated from  
18                          the Waste Fund in that fiscal year; and

19                  “(B) for each of fiscal years 2023 through  
20                  2025, the amount that is equal to 10 percent  
21                  of the amounts appropriated from the Waste  
22                  Fund in that fiscal year.

23          “(3) PRIORITY.—

24                  “(A) IN GENERAL.—An MRS agreement  
25                  entered into pursuant to paragraph (1) shall, to

1 the extent allowable under this Act (including  
2 under the terms of the standard contract estab-  
3 lished in section 961.11 of title 10, Code of  
4 Federal Regulations), provide for prioritization  
5 of the storage of Department-owned civilian  
6 waste that originated from any facility that—

7 “(i) has ceased commercial operation;

8 and

9 “(ii) is located in—

10 “(I) an area that is of high seis-  
11 micity; and

12 “(II) close proximity to a major  
13 body of water.

14 “(B) NO EFFECT ON STANDARD CON-  
15 TRACT.—Nothing in subparagraph (A) shall be  
16 construed to amend or otherwise alter the  
17 standard contract established in section 961.11  
18 of title 10, Code of Federal Regulations.

19 “(4) CONDITIONS.—

20 “(A) NO STORAGE.—Except as provided in  
21 subparagraph (B), the Secretary may not store  
22 any Department-owned civilian waste at the ini-  
23 tial MRS facility until the Commission has  
24 issued a final repository decision.

25 “(B) EXCEPTION.—

1           “(i) FINDING.—The Secretary may  
2           make a finding that a final repository deci-  
3           sion is imminent, which finding shall be  
4           updated not less often than quarterly until  
5           the date on which the Commission issues a  
6           final repository decision.

7           “(ii) STORAGE.—If the Secretary  
8           makes a finding under clause (i), the Sec-  
9           retary may store Department-owned civil-  
10          ian waste at the initial MRS facility in ac-  
11          cordance with this section.

12          “(iii) NOTICE.—Not later than 7 days  
13          after the Secretary makes or updates a  
14          finding under clause (i), the Secretary  
15          shall submit to Congress written notifica-  
16          tion of such finding.

17          “(iv) REPORTING.—In addition to the  
18          requirements of section 114(c), if the Sec-  
19          retary makes a finding under clause (i),  
20          the Secretary shall submit to Congress the  
21          report described in such section 114(c) not  
22          later than 1 month after the Secretary  
23          makes such finding and monthly thereafter  
24          until the date on which the Commission  
25          issues a final repository decision.

1                   “(C) NO EFFECT ON FEDERAL DISPOSAL  
2 POLICY.—Nothing in this subsection affects the  
3 Federal responsibility for the disposal of high-  
4 level radioactive waste and spent nuclear fuel,  
5 or the definite Federal policy with regard to the  
6 disposal of such waste and spent fuel, estab-  
7 lished under subtitle A, as described in section  
8 111(b).

9                   “(c) DEFINITIONS.—For purposes of this section:

10                   “(1) FINAL REPOSITORY DECISION.—The term  
11 ‘final repository decision’ means a final decision ap-  
12 proving or disapproving the issuance of a construc-  
13 tion authorization for a repository under section  
14 114(d)(1).

15                   “(2) INITIAL MRS FACILITY.—The term ‘initial  
16 MRS facility’ means the monitored retrievable stor-  
17 age facility with respect to which an MRS agreement  
18 is entered into pursuant to subsection (b)(1).”.

19                   (b) CONFORMING AMENDMENT.—The item relating  
20 to section 143 in the table of contents for the Nuclear  
21 Waste Policy Act of 1982 is amended to read as follows:

“Sec. 143. Conditions for MRS agreements.”.

22 **SEC. 104. SURVEY.**

23                   Section 144 of the Nuclear Waste Policy Act of 1982  
24 (42 U.S.C. 10164) is amended—

1 (1) by striking “After the MRS Commission  
2 submits its report to the Congress under section  
3 143, the” and inserting “(a) IN GENERAL.—The”;

4 (2) in the matter preceding paragraph (1), by  
5 striking “for a monitored retrievable storage facil-  
6 ity” and inserting “for any monitored retrievable  
7 storage facility authorized under section 142”;

8 (3) in paragraph (6), by striking “; and” and  
9 inserting a semicolon;

10 (4) in paragraph (7), by striking the period at  
11 the end and inserting “; and”; and

12 (5) by adding after paragraph (7) the following:

13 “(8) be acceptable to State authorities, affected  
14 units of local government, and affected Indian  
15 tribes.

16 “(b) REQUEST FOR PROPOSALS.—The Secretary  
17 shall issue a request for proposals for an MRS agreement  
18 authorized under section 142(b)(2) before conducting a  
19 survey and evaluation under subsection (a), and shall con-  
20 sider any proposals received in response to such request  
21 in making the evaluation.”.

22 **SEC. 105. SITE SELECTION.**

23 Section 145 of the Nuclear Waste Policy Act of 1982  
24 (42 U.S.C. 10165) is amended—

25 (1) in subsection (a)—

- 1 (A) by striking “select the site evaluated”  
2 and inserting “select a site evaluated”;  
3 (B) by striking “the most”; and  
4 (C) by inserting “authorized under section  
5 142(b)(1)” after “monitored retrievable storage  
6 facility”; and  
7 (2) by striking subsection (g).

8 **SEC. 106. BENEFITS AGREEMENT.**

9 Section 147 of the Nuclear Waste Policy Act of 1982  
10 (42 U.S.C. 10167) is amended—

- 11 (1) by inserting “the Secretary intends to con-  
12 struct and operate under section 142(b)(1)” after  
13 “storage facility”; and  
14 (2) by inserting “or once a non-Federal entity  
15 enters into an MRS agreement under section  
16 142(b)(2),” after “section 145,”.

17 **SEC. 107. LICENSING.**

18 (a) REVIEW OF LICENSE APPLICATION.—Section  
19 148(c) of the Nuclear Waste Policy Act of 1982 (42  
20 U.S.C. 10168(c)) is amended by striking “section 142(b)”  
21 and inserting “section 142(b)(1)”.

22 (b) LICENSING CONDITIONS.—Section 148(d) of the  
23 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10168(d))  
24 is amended—

1           (1) in paragraph (1), by striking “has issued a  
 2 license for the construction of a repository under  
 3 section 115(d)” and inserting “has issued a final de-  
 4 cision approving or disapproving the issuance of a  
 5 construction authorization for a repository under  
 6 section 114(d)(1)”; and

7           (2) in paragraph (2), by striking “or construc-  
 8 tion of the repository ceases”.

9 **SEC. 108. FINANCIAL ASSISTANCE.**

10       Section 149 of the Nuclear Waste Policy Act of 1982  
 11 is amended by inserting “authorized under section  
 12 142(b)(1)” after “a monitored retrievable storage facil-  
 13 ity”.

14                           **TITLE II—PERMANENT**  
 15                           **REPOSITORY**

16 **SEC. 201. LAND WITHDRAWAL, JURISDICTION, AND RES-**  
 17                           **ERVATION.**

18       (a) LAND WITHDRAWAL, JURISDICTION, AND RES-  
 19       ERVATION.—

20           (1) LAND WITHDRAWAL.—Subject to valid ex-  
 21       isting rights and except as provided otherwise in this  
 22       section, the lands described in subsection (c) are  
 23       withdrawn permanently from all forms of entry, ap-  
 24       propriation, and disposal under the public land laws,

1 including the mineral leasing laws, the geothermal  
2 leasing laws, and the mining laws.

3 (2) JURISDICTION.—Except as otherwise pro-  
4 vided in this section, jurisdiction over the withdrawal  
5 is vested in the Secretary. There are transferred to  
6 the Secretary the lands within the withdrawal under  
7 the jurisdiction of the Secretary concerned on the ef-  
8 fective date described in subsection (j)(1).

9 (3) RESERVATION.—The withdrawal is reserved  
10 for use by the Secretary for development, precon-  
11 struction testing and performance confirmation, li-  
12 censing, construction, management and operation,  
13 monitoring, closure, postclosure, and other activities  
14 associated with the disposal of high-level radioactive  
15 waste and spent nuclear fuel under the Nuclear  
16 Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

17 (b) REVOCATION AND MODIFICATION OF PUBLIC  
18 LAND ORDERS AND RIGHTS-OF-WAY.—

19 (1) PUBLIC LAND ORDER REVOCATION.—Public  
20 Land Order 6802 of September 25, 1990, as ex-  
21 tended by Public Land Order 7534, and any condi-  
22 tions or memoranda of understanding accompanying  
23 those land orders, are revoked.

1           (2) RIGHT-OF-WAY RESERVATIONS.—Project  
2 right-of-way reservations N-48602 and N-47748 of  
3 January 2001, are revoked.

4           (c) LAND DESCRIPTION.—

5           (1) BOUNDARIES.—The lands and interests in  
6 lands withdrawn and reserved by this section com-  
7 prise the approximately 147,000 acres of land in  
8 Nye County, Nevada, as generally depicted on the  
9 Yucca Mountain Project Map, YMP-03-024.2, enti-  
10 tled “Proposed Land Withdrawal” and dated July  
11 21, 2005.

12           (2) LEGAL DESCRIPTION AND MAP.—Not later  
13 than 120 days after the date of enactment of this  
14 Act, the Secretary of the Interior shall—

15                   (A) publish in the Federal Register a no-  
16 tice containing a legal description of the with-  
17 drawal; and

18                   (B) file copies of the maps described in  
19 paragraph (1) and the legal description of the  
20 withdrawal with the Congress, the Governor of  
21 the State of Nevada, and the Archivist of the  
22 United States.

23           (3) TECHNICAL CORRECTIONS.—The maps and  
24 legal description referred to in this subsection have  
25 the same force and effect as if they were included

1 in this section. The Secretary of the Interior may  
2 correct clerical and typographical errors in the maps  
3 and legal description.

4 (d) RELATIONSHIP TO OTHER RESERVATIONS.—The  
5 provisions of subtitle A of title XXX of the Military Lands  
6 Withdrawal Act of 1999 (sections 3011–3023 of Public  
7 Law 106–65) and of Public Land Order 2568 do not apply  
8 to the lands withdrawn and reserved for use by the Sec-  
9 retary under subsection (a). This Act does not apply to  
10 any other lands withdrawn for use by the Department of  
11 Defense under subtitle A of title XXX of the Military  
12 Lands Withdrawal Act of 1999.

13 (e) MANAGEMENT RESPONSIBILITIES.—

14 (1) GENERAL AUTHORITY.—The Secretary shall  
15 manage the lands withdrawn by subsection (a) con-  
16 sistent with the Federal Land Policy and Manage-  
17 ment Act of 1976 (43 U.S.C. 1701 et seq.), this sec-  
18 tion, and other applicable law. The Secretary shall  
19 consult with the Secretary concerned in discharging  
20 that responsibility.

21 (2) MANAGEMENT PLAN.—

22 (A) DEVELOPMENT.—The Secretary, after  
23 consulting with the Secretary concerned, shall  
24 develop a management plan for the use of the  
25 withdrawal. Within 3 years after the date of en-

1 actment of this Act, the Secretary shall submit  
2 the management plan to the Congress and the  
3 State of Nevada.

4 (B) PRIORITY OF YUCCA MOUNTAIN  
5 PROJECT-RELATED ISSUES.—Subject to sub-  
6 paragraphs (C) and (D), any use of the with-  
7 drawal for activities not associated with the  
8 Project is subject to conditions and restrictions  
9 that the Secretary considers necessary or desir-  
10 able to permit the conduct of Project-related ac-  
11 tivities.

12 (C) DEPARTMENT OF THE AIR FORCE  
13 USES.—The management plan may provide for  
14 the continued use by the Department of the Air  
15 Force of the portion of the withdrawal within  
16 the Nellis Air Force Base Test and Training  
17 Range under terms and conditions on which the  
18 Secretary and the Secretary of the Air Force  
19 agree concerning Air Force activities.

20 (D) OTHER NON-YUCCA-MOUNTAIN-  
21 PROJECT USES.—The management plan shall  
22 provide for the maintenance of wildlife habitat  
23 and shall provide that the Secretary may permit  
24 non-Project-related uses that the Secretary con-  
25 siders appropriate, including domestic livestock

1 grazing and hunting and trapping in accord-  
2 ance with the following requirements:

3 (i) GRAZING.—The Secretary may  
4 permit grazing to continue where estab-  
5 lished before the effective date described in  
6 subsection (j)(1), subject to regulations,  
7 policies, and practices that the Secretary,  
8 after consulting with the Secretary of the  
9 Interior, determines to be necessary or ap-  
10 propriate. The management of grazing  
11 shall be conducted in accordance with ap-  
12 plicable grazing laws and policies, includ-  
13 ing—

14 (I) the Act commonly known as  
15 the “Taylor Grazing Act” (43 U.S.C.  
16 315 et seq.);

17 (II) title IV of the Federal Land  
18 Policy and Management Act of 1976  
19 (43 U.S.C. 1751 et seq.); and

20 (III) the Public Rangelands Im-  
21 provement Act of 1978 (43 U.S.C.  
22 1901 et seq.).

23 (ii) HUNTING AND TRAPPING.—The  
24 Secretary may permit hunting and trap-  
25 ping within the withdrawal where estab-

1 lished before the effective date described in  
2 subsection (k)(1), except that the Sec-  
3 retary, after consulting with the Secretary  
4 of the Interior and the State of Nevada,  
5 may designate zones where, and establish  
6 periods when, no hunting or trapping is  
7 permitted for reasons of public safety, na-  
8 tional security, administration, or public  
9 use and enjoyment.

10 (E) MINING.—

11 (i) IN GENERAL.—Except as provided  
12 in clause (ii), surface or subsurface mining  
13 or oil or gas production, including slant  
14 drilling from outside the boundaries of the  
15 withdrawal, is not permitted at any time  
16 on lands on or under the withdrawal. The  
17 Secretary of the Interior shall evaluate and  
18 adjudicate the validity of all unpatented  
19 mining claims on the portion of the with-  
20 drawal that, on the date of enactment of  
21 this Act, was under the control of the Bu-  
22 reau of Land Management. The Secretary  
23 shall provide just compensation for the ac-  
24 quisition of any valid property right.

1                   (ii) CIND-R-LITE MINE.—Patented  
2 Mining Claim No. 27–83–0002, covering  
3 the Cind-R-Lite Mine, shall not be affected  
4 by establishment of the withdrawal set  
5 forth in subsection (a)(1). In that event,  
6 the Secretary shall provide just compensa-  
7 tion.

8                   (F) LIMITED PUBLIC ACCESS.—The man-  
9 agement plan may provide for limited public ac-  
10 cess to the portion of the withdrawal under Bu-  
11 reau of Land Management control on the effec-  
12 tive date described in subsection (j)(1). Per-  
13 mitted uses may include continuation of the  
14 Nye County Early Warning Drilling Program,  
15 utility corridors, and other uses the Secretary,  
16 after consulting with the Secretary of the Inte-  
17 rior, considers consistent with the purposes of  
18 the withdrawal.

19                   (3) CLOSURE.—If the Secretary, after con-  
20 sulting with the Secretary concerned, determines  
21 that the health and safety of the public or the com-  
22 mon defense and security require the closure of a  
23 road, trail, or other portion of the withdrawal, or the  
24 airspace above the withdrawal, the Secretary may ef-

1       fect and maintain the closure and shall provide no-  
2       tice of the closure.

3           (4) IMPLEMENTATION.—The Secretary and the  
4       Secretary concerned shall implement the manage-  
5       ment plan developed under paragraph (2) under  
6       terms and conditions on which they agree.

7       (f) IMMUNITY.—The United States and its depart-  
8       ments and agencies shall be held harmless and shall not  
9       be liable for damages to persons or property suffered in  
10      the course of any mining, mineral leasing, or geothermal  
11      leasing activity conducted on the withdrawal.

12      (g) LAND ACQUISITION.—The Secretary may acquire  
13      lands and interests in lands within the withdrawal. Those  
14      lands and interests in lands may be acquired by donation,  
15      purchase, lease, exchange, easement, rights-of-way, or  
16      other appropriate methods using donated or appropriated  
17      funds. The Secretary of the Interior shall conduct any ex-  
18      change of lands within the withdrawal for Federal lands  
19      outside the withdrawal.

20      (h) MATERIAL REQUIREMENTS.—Notwithstanding  
21      any other provision of law, no Federal, State, interstate,  
22      or local requirement, either substantive or procedural, that  
23      is referred to in section 6001(a) of the Solid Waste Dis-  
24      posal Act (42 U.S.C. 6961(a)) applies with respect to any  
25      material—

1           (1) as such material is transported to a reposi-  
2           tory for disposal at such repository; or

3           (2) as, or after, such material is disposed of in  
4           a repository.

5           (i) DEFINITIONS.—

6           (1) NUCLEAR WASTE POLICY ACT OF 1982 DEFINI-  
7           TIONS.—For purposes of this section, the terms  
8           “disposal”, “high-level radioactive waste”, “reposi-  
9           tory”, “Secretary”, and “spent nuclear fuel” have  
10          the meaning given those terms in section 2 of the  
11          Nuclear Waste Policy Act of 1982 (42 U.S.C.  
12          10101).

13          (2) OTHER DEFINITIONS.—For purposes of this  
14          section—

15                (A) the term “withdrawal” means the geo-  
16                graphic area consisting of the land described in  
17                subsection (c);

18                (B) the term “Secretary concerned” means  
19                the Secretary of the Air Force or the Secretary  
20                of the Interior, or both, as appropriate; and

21                (C) the term “Project” means the Yucca  
22                Mountain Project.

23          (j) EFFECTIVE DATE.—

24                (1) IN GENERAL.—Except as provided in para-  
25                graph (2), this section shall take effect on the date

1 on which the Nuclear Regulatory Commission issues  
2 a final decision approving the issuance of a construc-  
3 tion authorization for a repository under section  
4 114(d)(1) of the Nuclear Waste Policy Act of 1982  
5 (42 U.S.C. 10134(d)) (as so designated by this Act).

6 (2) EXCEPTIONS.—Subsections (c), (e)(2)(A),  
7 (h), (i), and (j) shall take effect on the date of en-  
8 actment of this Act.

9 **SEC. 202. APPLICATION PROCEDURES AND INFRASTRUC-**  
10 **TURE ACTIVITIES.**

11 (a) STATUS REPORT ON APPLICATION.—Section  
12 114(e) of the Nuclear Waste Policy Act of 1982 (42  
13 U.S.C. 10134(e)) is amended by striking “the date on  
14 which such authorization is granted” and inserting “the  
15 date on which the Commission issues a final decision ap-  
16 proving or disapproving such application”.

17 (b) APPLICATION PROCEDURES AND INFRASTRUC-  
18 TURE ACTIVITIES.—Section 114(d) of the Nuclear Waste  
19 Policy Act of 1982 (42 U.S.C. 10134(d)) is amended—

20 (1) by striking “The Commission shall con-  
21 sider” and inserting the following:

22 “(1) APPLICATIONS FOR CONSTRUCTION AU-  
23 THORIZATION.—The Commission shall consider”;

24 (2) by striking “the expiration of 3 years after  
25 the date of the submission of such application” and

1 inserting “30 months after the date of enactment of  
2 the Nuclear Waste Policy Amendments Act of  
3 2019”;

4 (3) by striking “70,000 metric tons” each place  
5 it appears and inserting “110,000 metric tons”; and

6 (4) by adding at the end the following new  
7 paragraphs:

8 “(2) APPLICATIONS TO AMEND.—If the Com-  
9 mission issues a construction authorization for a re-  
10 pository pursuant to paragraph (1) and the Sec-  
11 retary submits an application to amend such author-  
12 ization, the Commission shall consider the applica-  
13 tion to amend using expedited, informal procedures,  
14 including discovery procedures that minimize the  
15 burden on the parties to produce documents. The  
16 Commission shall issue a final decision on such ap-  
17 plication to amend within 1 year after the date of  
18 submission of such application, except that the Com-  
19 mission may extend such deadline by not more than  
20 6 months if, not less than 30 days before such dead-  
21 line, the Commission complies with the reporting re-  
22 quirements established in subsection (e)(2).

23 “(3) INFRASTRUCTURE ACTIVITIES.—

24 “(A) IN GENERAL.—At any time before or  
25 after the Commission issues a final decision ap-

1           proving or disapproving the issuance of a con-  
2           struction authorization for a repository pursu-  
3           ant to paragraph (1), the Secretary may under-  
4           take infrastructure activities that the Secretary  
5           considers necessary or appropriate to support  
6           construction or operation of a repository at the  
7           Yucca Mountain site or transportation to such  
8           site of spent nuclear fuel and high-level radio-  
9           active waste. Infrastructure activities include  
10          safety upgrades, site preparation, the construc-  
11          tion of a rail line to connect the Yucca Moun-  
12          tain site with the national rail network (includ-  
13          ing any facilities to facilitate rail operations),  
14          and construction, upgrade, acquisition, or oper-  
15          ation of electrical grids or facilities, other utili-  
16          ties, communication facilities, access roads, and  
17          nonnuclear support facilities.

18                 “(B) ENVIRONMENTAL ANALYSIS.—If the  
19                 Secretary determines that an environmental  
20                 analysis is required under the National Envi-  
21                 ronmental Policy Act of 1969 with respect to  
22                 an infrastructure activity undertaken under this  
23                 paragraph, the Secretary need not consider al-  
24                 ternative actions or a no-action alternative. To  
25                 the extent any other Federal agency must con-

1           sider the potential environmental impact of  
2           such an infrastructure activity, the agency shall  
3           adopt, to the extent practicable, any environ-  
4           mental analysis prepared by the Secretary  
5           under this subparagraph without further action.  
6           Such adoption satisfies the responsibilities of  
7           the adopting agency under the National Envi-  
8           ronmental Policy Act of 1969, and no further  
9           action is required by the agency.

10           “(C) NO GROUNDS FOR DISAPPROVAL.—  
11           The Commission may not disapprove, on the  
12           grounds that the Secretary undertook an infra-  
13           structure activity under this paragraph—

14                   “(i) the issuance of a construction au-  
15                   thorization for a repository pursuant to  
16                   paragraph (1);

17                   “(ii) a license to receive and possess  
18                   spent nuclear fuel and high-level radio-  
19                   active waste; or

20                   “(iii) any other action concerning the  
21                   repository.”.

22           (c) CONNECTED ACTIONS.—Section 114(f)(6) of the  
23           Nuclear Waste Policy Act of 1982 (42 U.S.C.  
24           10134(f)(6)) is amended by striking “or nongeologic alter-  
25           natives to such site” and inserting “nongeologic alter-

1 natives to such site, or an action connected or otherwise  
2 related to the repository to the extent the action is under-  
3 taken outside the geologic repository operations area and  
4 does not require a license from the Commission”.

5 **SEC. 203. PENDING REPOSITORY LICENSE APPLICATION.**

6 Nothing in this Act or the amendments made by this  
7 Act shall be construed to require the Secretary to amend  
8 or otherwise modify an application for a construction au-  
9 thorization described in section 114(d) of the Nuclear  
10 Waste Policy Act of 1982 (42 U.S.C. 10134(d)) pending  
11 as of the date of enactment of this Act.

12 **SEC. 204. LIMITATION ON PLANNING, DEVELOPMENT, OR**  
13 **CONSTRUCTION OF DEFENSE WASTE REPOSI-**  
14 **TORY.**

15 (a) LIMITATION.—The Secretary of Energy may not  
16 take any action relating to the planning, development, or  
17 construction of a defense waste repository until the date  
18 on which the Nuclear Regulatory Commission issues a  
19 final decision approving or disapproving the issuance of  
20 a construction authorization for a repository under section  
21 114(d)(1) of the Nuclear Waste Policy Act of 1982 (42  
22 U.S.C. 10134(d)) (as so designated by this Act).

23 (b) DEFINITIONS.—In this section—

24 (1) the terms “atomic energy defense activity”,  
25 “high-level radioactive waste”, “repository”, and

1 “spent nuclear fuel” have the meanings given those  
2 terms in section 2 of the Nuclear Waste Policy Act  
3 of 1982 (42 U.S.C. 10101); and

4 (2) the term “defense waste repository” means  
5 the repository for high-level radioactive waste and  
6 spent nuclear fuel derived from the atomic energy  
7 defense activities of the Department of Energy, as  
8 described in the draft plan of the Department titled  
9 “Draft Plan for a Defense Waste Repository” pub-  
10 lished on December 16, 2016.

11 **SEC. 205. SENSE OF CONGRESS REGARDING TRANSPOR-**  
12 **TATION ROUTES.**

13 It is the sense of Congress that the Secretary of En-  
14 ergy should consider routes for the transportation of spent  
15 nuclear fuel or high-level radioactive waste transported by  
16 or for the Secretary under subtitle A of title I of the Nu-  
17 clear Waste Policy Act of 1982 (42 U.S.C. 10131 et seq.)  
18 to the Yucca Mountain site that, to the extent practicable,  
19 avoid Las Vegas, Nevada.

20 **TITLE III—DOE CONTRACT**  
21 **PERFORMANCE**

22 **SEC. 301. TITLE TO MATERIAL.**

23 Section 123 of the Nuclear Waste Policy Act of 1982  
24 (42 U.S.C. 10143) is amended—

1 (1) by striking “Delivery” and inserting “(a) IN  
2 GENERAL.—Delivery”;

3 (2) by striking “repository constructed under  
4 this subtitle” and inserting “repository or monitored  
5 retrievable storage facility”; and

6 (3) by adding at the end the following new sub-  
7 section:

8 “(b) CONTRACT MODIFICATION.—The Secretary may  
9 enter into new contracts or negotiate modifications to ex-  
10 isting contracts, with any person who generates or holds  
11 title to high-level radioactive waste or spent nuclear fuel  
12 of domestic origin, for acceptance of title, subsequent  
13 transportation, and storage of such high-level radioactive  
14 waste or spent nuclear fuel (including to expedite such ac-  
15 ceptance of title, transportation, and storage of such waste  
16 or fuel from facilities that have ceased commercial oper-  
17 ation) at a monitored retrievable storage facility author-  
18 ized under subtitle C.”.

## 19 **TITLE IV—BENEFITS TO HOST** 20 **COMMUNITY**

### 21 **SEC. 401. CONSENT.**

22 Section 170 of the Nuclear Waste Policy Act of 1982  
23 (42 U.S.C. 10173) is amended—

24 (1) in subsection (c), by striking “shall offer”  
25 and inserting “may offer”;

1 (2) in subsection (d), by striking “shall” and  
 2 inserting “may”;

3 (3) in subsection (e)—

4 (A) by inserting a comma after “reposit-  
 5 tory”; and

6 (B) by inserting “per State,” after “facil-  
 7 ity”; and

8 (4) by adding at the end the following new sub-  
 9 section:

10 “(g) CONSENT.—The acceptance or use of any of the  
 11 benefits provided under a benefits agreement under this  
 12 section by the State of Nevada shall not be considered to  
 13 be an expression of consent, express or implied, to the  
 14 siting of a repository in such State.”.

15 **SEC. 402. CONTENT OF AGREEMENTS.**

16 (a) BENEFITS SCHEDULE.—The table in section  
 17 171(a)(1) of the Nuclear Waste Policy Act of 1982 (42  
 18 U.S.C. 10173a(a)(1)) is amended to read as follows:

“BENEFITS SCHEDULE

Event	MRS	Repository
(A) Annual payments prior to first spent fuel receipt .....	\$5,000,000	\$15,000,000
(B) Upon first spent fuel receipt .....	\$10,000,000	\$400,000,000
(C) Annual payments after first spent fuel receipt until closure of the facility .....	\$10,000,000	\$40,000,000”.

1 (b) RESTRICTIONS ON USE.—Section 171(a) of the  
2 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10173a(a))  
3 is amended—

4 (1) in paragraph (6), by striking “paragraph  
5 (7)” and inserting “paragraphs (7) and (8)”; and

6 (2) by adding at the end the following new  
7 paragraph:

8 “(8) None of the payments under this section may  
9 be used—

10 “(A) directly or indirectly to influence legisla-  
11 tive action on any matter pending before Congress  
12 or a State legislature or for any lobbying activity as  
13 provided in section 1913 of title 18, United States  
14 Code;

15 “(B) for litigation purposes; or

16 “(C) to support multistate efforts or other coa-  
17 lition-building activities inconsistent with the siting,  
18 construction, or operation of the monitored retriev-  
19 able storage facility or repository concerned.”.

20 (c) CONTENTS.—Section 171(b) of the Nuclear  
21 Waste Policy Act of 1982 (42 U.S.C. 10173a(b)) is  
22 amended—

23 (1) by striking paragraph (2);

24 (2) by redesignating paragraphs (3) through  
25 (5) as paragraphs (2) through (4), respectively; and

1           (3) in paragraph (3) (as redesignated by para-  
2           graph (2) of this subsection), by striking “in the de-  
3           sign of the repository or monitored retrievable stor-  
4           age facility and”.

5           (d) PAYMENTS BY SECRETARY.—Section 171(c) of  
6 the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
7 10173a(c)) is amended to read as follows:

8           “(c) PAYMENTS BY SECRETARY.—The Secretary  
9 shall make payments to the State of Nevada under a bene-  
10 fits agreement concerning a repository under section 170  
11 from the Waste Fund. The signature of the Secretary on  
12 a valid benefits agreement under this subtitle shall con-  
13 stitute a commitment, but only to the extent that all  
14 amounts for that purpose are provided in advance in sub-  
15 sequent appropriations Acts, by the Secretary to make  
16 payments in accordance with such agreement.”.

17 **SEC. 403. COVERED UNITS OF LOCAL GOVERNMENT.**

18           (a) IN GENERAL.—The Nuclear Waste Policy Act of  
19 1982 (42 U.S.C. 10101 et seq.) is amended by inserting  
20 after section 172 the following new section:

21 **“SEC. 172A. COVERED UNITS OF LOCAL GOVERNMENT.**

22           “(a) BENEFITS AGREEMENT.—Not earlier than 1  
23 year after the date of enactment of this section, the Sec-  
24 retary may enter into a benefits agreement with any cov-  
25 ered unit of local government concerning a repository for

1 the acceptance of high-level radioactive waste or spent nu-  
2 clear fuel in the State of Nevada.

3 “(b) CONTENT OF AGREEMENTS.—In addition to any  
4 benefits that a covered unit of local government may re-  
5 ceive under this Act, the Secretary shall make payments  
6 to such covered unit of local government that is a party  
7 to a benefits agreement under subsection (a) to mitigate  
8 impacts described in section 175(b).

9 “(c) PAYMENTS FROM WASTE FUND.—The Sec-  
10 retary shall make payments to a covered unit of local gov-  
11 ernment under a benefits agreement under this section  
12 from the Waste Fund.

13 “(d) RESTRICTION ON USE.—None of the payments  
14 made pursuant to a benefits agreement under this section  
15 may be used—

16 “(1) directly or indirectly to influence legislative  
17 action on any matter pending before Congress or a  
18 State legislature or for any lobbying activity as pro-  
19 vided in section 1913 of title 18, United States  
20 Code;

21 “(2) for litigation purposes; or

22 “(3) to support multistate efforts or other coali-  
23 tion-building activities inconsistent with the siting,  
24 construction, or operation of the repository.

1           “(e) CONSENT.—The acceptance or use of any of the  
2 benefits provided under a benefits agreement under this  
3 section by any covered unit of local government shall not  
4 be considered to be an expression of consent, express or  
5 implied, to the siting of a repository in the State of Ne-  
6 vada.

7           “(f) COVERED UNIT OF LOCAL GOVERNMENT DE-  
8 FINED.—In this section, the term ‘covered unit of local  
9 government’ means—

10           “(1) any affected unit of local government with  
11 respect to a repository; and

12           “(2) any unit of general local government in the  
13 State of Nevada.”.

14           (b) CONFORMING AMENDMENTS.—

15           (1) BENEFITS AGREEMENT.—Section 170(a)(4)  
16 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
17 10173(a)(4)) is amended to read as follows:

18           “(4) Benefits and payments under this subtitle made  
19 available pursuant to a benefits agreement under this sec-  
20 tion or section 172A may be made available only in accord-  
21 ance with such benefits agreement and to the extent that  
22 all amounts for that purpose are provided in advance in  
23 subsequent appropriations Acts.”.

24           (2) LIMITATION.—Section 170(e) of the Nu-  
25 clear Waste Policy Act of 1982 (42 U.S.C.

1 10173(e)) is further amended by inserting “under  
2 this section” after “may be in effect”.

3 (3) TABLE OF CONTENTS.—The table of con-  
4 tents for the Nuclear Waste Policy Act of 1982 (42  
5 U.S.C. 10101 note) is amended by adding after the  
6 item relating to section 172, the following:

“Sec. 172A. Covered units of local government.”.

7 **SEC. 404. TERMINATION.**

8 Section 173 of the Nuclear Waste Policy Act of 1982  
9 (42 U.S.C. 10173c) is amended—

10 (1) in subsection (a)—

11 (A) by striking “under this title if” and in-  
12 serting “under this title”;

13 (B) in paragraph (1), by inserting “con-  
14 cerning a repository or a monitored retrievable  
15 storage facility, if” before “the site under con-  
16 sideration”; and

17 (C) in paragraph (2), by striking “the Sec-  
18 retary determines that the Commission cannot  
19 license the facility within a reasonable time”  
20 and inserting “concerning a repository, if the  
21 Commission issues a final decision disapproving  
22 the issuance of a construction authorization for  
23 a repository under section 114(d)(1)”; and

24 (2) by amending subsection (b) to read as fol-  
25 lows:

1           “(b) **TERMINATION BY STATE OR INDIAN TRIBE.**—  
2 A State, covered unit of local government (as defined in  
3 section 172A), or Indian tribe may only terminate a bene-  
4 fits agreement under this title—

5           “(1) concerning a repository or a monitored re-  
6 trievable storage facility, if the Secretary disqualifies  
7 the site under consideration for its failure to comply  
8 with technical requirements established by the Sec-  
9 retary in accordance with this Act; or

10           “(2) concerning a repository, if the Commission  
11 issues a final decision disapproving the issuance of  
12 a construction authorization for a repository under  
13 section 114(d)(1).”.

14 **SEC. 405. PRIORITY FUNDING FOR CERTAIN INSTITUTIONS**  
15 **OF HIGHER EDUCATION.**

16           (a) **IN GENERAL.**—Subtitle G of the Nuclear Waste  
17 Policy Act of 1982 (42 U.S.C. 10174 et seq.) is amended  
18 by adding at the end the following new section:

19 **“SEC. 176. PRIORITY FUNDING FOR CERTAIN INSTITUTIONS**  
20 **OF HIGHER EDUCATION.**

21           “(a) **IN GENERAL.**—In providing any funding to in-  
22 stitutions of higher education from the Waste Fund, the  
23 Secretary shall prioritize institutions of higher education  
24 that are located in the State of Nevada.

1           “(b) DEFINITION.—In this section, the term ‘institu-  
2   tion of higher education’ has the meaning given that term  
3   in section 101 of the Higher Education Act of 1965 (20  
4   U.S.C. 1001).”.

5           (b) CONFORMING AMENDMENT.—The table of con-  
6   tents for the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
7   10101 note) is amended by adding after the item relating  
8   to section 175, the following:

          “Sec. 176. Priority funding for certain institutions of higher education.”.

9   **SEC. 406. DISPOSAL OF SPENT NUCLEAR FUEL.**

10          Section 122 of the Nuclear Waste Policy Act of 1982  
11   (42 U.S.C. 10142) is amended by adding at the end the  
12   following: “Any economic benefits derived from the re-  
13   trieval of spent nuclear fuel pursuant to this section shall  
14   be shared with the State in which the repository is located,  
15   affected units of local government, and affected Indian  
16   tribes.”.

17   **SEC. 407. UPDATED REPORT.**

18          Section 175(a) of the Nuclear Waste Policy Act of  
19   1982 (42 U.S.C. 10174a(a)) is amended by striking “Nu-  
20   clear Waste Policy Amendments Act of 1987” and insert-  
21   ing “Nuclear Waste Policy Amendments Act of 2019”.

## TITLE V—FUNDING

1

### 2 SEC. 501. ASSESSMENT AND COLLECTION OF FEES.

3 (a) IN GENERAL.—Section 302(a)(4) of the Nuclear  
4 Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is  
5 amended—

6 (1) in the first sentence—

7 (A) by striking “(4) Not later than” and  
8 inserting the following:

9 “(4) ASSESSMENT, COLLECTION, AND PAYMENT  
10 OF FEES.—

11 “(A) ASSESSMENT OF FEES.—Not later  
12 than”;

13 (B) by striking “the date of enactment of  
14 this Act” and inserting “the date of enactment  
15 of the Nuclear Waste Policy Amendments Act  
16 of 2019”; and

17 (C) by striking “collection and payment”  
18 and inserting “assessment”;

19 (2) in the second sentence, by striking “collec-  
20 tion of the fee” and inserting “such amount”;

21 (3) in the third sentence, by striking “are being  
22 collected” and inserting “will result from such  
23 amounts”;

24 (4) in the fifth sentence, by striking “a period  
25 of 90 days of continuous session” and all that fol-

1        lows through the period at the end and inserting  
2        “the date that is 180 days after the date of such  
3        transmittal.”; and

4            (5) by adding at the end the following:

5            “(B) COLLECTION AND PAYMENT OF  
6            FEES.—

7                    “(i) IN GENERAL.—Not later than  
8                    180 days after the date of enactment of  
9                    Nuclear Waste Policy Amendments Act of  
10                   2019, the Secretary shall establish proce-  
11                   dures for the collection and payment of the  
12                   fees established by paragraph (2) and  
13                   paragraph (3), or adjusted pursuant to  
14                   subparagraph (A).

15                   “(ii) LIMITATION ON COLLECTION.—  
16                   The Secretary may not collect a fee estab-  
17                   lished under paragraph (2), including a fee  
18                   established under paragraph (2) and ad-  
19                   justed pursuant to subparagraph (A)—

20                            “(I) until the date on which the  
21                            Commission issues a final decision ap-  
22                            proving or disapproving the issuance  
23                            of a construction authorization for a  
24                            repository under section 114(d)(1);  
25                            and

1                   “(II) after such date, in an  
2                   amount that will cause the total  
3                   amount of fees collected under this  
4                   subsection in any fiscal year to exceed  
5                   90 percent of the amounts appro-  
6                   priated for that fiscal year for pur-  
7                   poses described in subsection (d).

8                   The limitation in subclause (II) shall not  
9                   apply during a fiscal year if, at any time  
10                  during that fiscal year, the Waste Fund  
11                  has a balance of zero.

12                  “(iii) PAYMENT OF FULL AMOUNTS.—  
13                  Notwithstanding the noncollection of a fee  
14                  by the Secretary pursuant to clause (ii) in  
15                  any fiscal year, a person who has entered  
16                  into a contract with the Secretary under  
17                  this subsection shall pay any uncollected  
18                  amounts when determined necessary by the  
19                  Secretary, subject to clause (ii), for pur-  
20                  poses described in subsection (d).”.

21                  (b) AUTHORITY TO MODIFY CONTRACTS.—The Sec-  
22                  retary of Energy may seek to modify a contract entered  
23                  into under section 302(a) of the Nuclear Waste Policy Act  
24                  of 1982 (42 U.S.C. 10222(a)) before the date of enact-

1 ment of this Act to ensure that the contract complies with  
2 the provisions of such section, as amended by this Act.

3 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

4 Section 302(a) of the Nuclear Waste Policy Act of 1982  
5 (42 U.S.C. 10222(a)) is amended—

6 (1) in paragraph (1), by striking “paragraphs  
7 (2) and (3)” and inserting “paragraphs (2), (3), and  
8 (4)”;

9 (2) in paragraph (3), by striking “126(b)”;

10 (3) in paragraph (4), by striking “insure” and  
11 inserting “ensure”.

12 **SEC. 502. USE OF WASTE FUND.**

13 (a) IN GENERAL.—Section 302(d) of the Nuclear  
14 Waste Policy Act of 1982 (42 U.S.C. 10222(d)) is amend-  
15 ed—

16 (1) in paragraph (1), by striking “maintenance  
17 and monitoring” and all that follows through the  
18 semicolon at the end and inserting “maintenance  
19 and monitoring of any repository or test and evalua-  
20 tion facility constructed under this Act;”;

21 (2) in paragraph (4), by striking “to be dis-  
22 posed of” and all that follows through the semicolon  
23 at the end and inserting “to be disposed of in a re-  
24 pository or to be used in a test and evaluation facil-  
25 ity;”;

1           (3) in paragraph (5), by striking “at a reposi-  
2           tory site” and all that follows through the end and  
3           inserting “at a repository site or a test and evalua-  
4           tion facility site and necessary or incident to such  
5           repository or test and evaluation facility;”;

6           (4) in paragraph (6), by striking the period at  
7           the end and inserting “; and”; and

8           (5) by inserting after paragraph (6) the fol-  
9           lowing:

10           “(7) payments under benefits agreements for a  
11           repository entered into under section 170 or 172A.”.

12           (b) CONFORMING AMENDMENTS.—Section 117(d) of  
13           the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
14           10137(d)) is amended by inserting “designated with re-  
15           spect to a repository” after “such representatives”.

16           **SEC. 503. ANNUAL MULTIYEAR BUDGET PROPOSAL.**

17           Section 302(e)(2) of the Nuclear Waste Policy Act  
18           of 1982 (42 U.S.C. 10222(e)(2)) is amended by striking  
19           “triennially” and inserting “annually”.

20           **SEC. 504. AVAILABILITY OF CERTAIN AMOUNTS.**

21           Section 302 of the Nuclear Waste Policy Act of 1982  
22           (42 U.S.C. 10222) is amended by adding at the end the  
23           following:

24           “(f) LIMITATION ON FUNDING.—

1           “(1) IN GENERAL.—Beginning on the date of  
2 first spent fuel receipt at a repository, no amount  
3 may be appropriated in any fiscal year for activities  
4 relating to the repository, including transportation  
5 of additional spent fuel to the repository and oper-  
6 ation of the repository, unless the applicable amount  
7 required with respect to the repository under section  
8 171(a)(1)(B) or section 171(a)(1)(C) is appropriated  
9 for that fiscal year.

10           “(2) DEFINITION.—In this subsection, the  
11 terms ‘spent fuel’ and ‘first spent fuel receipt’ have  
12 the meaning given such terms in section 171(a).

13           “(g) OFFSETTING FUNDING.—

14           “(1) IN GENERAL.—Fees collected after the  
15 date of enactment of the Nuclear Waste Policy  
16 Amendments Act of 2019 pursuant to subsection (a)  
17 shall be credited to the Waste Fund and available,  
18 to the extent provided in advance in appropriation  
19 Acts and consistent with the requirements of this  
20 section, to carry out activities authorized to be fund-  
21 ed from the Waste Fund.

22           “(2) OFFSETTING COLLECTION.—Fees collected  
23 in a fiscal year pursuant to paragraph (1) shall be  
24 deposited and credited as offsetting collections to the  
25 account providing appropriations for such activities

1 and shall be classified as discretionary appropria-  
2 tions as defined by section 250(c)(7) of the Balanced  
3 Budget and Emergency Deficit Control Act of 1985  
4 (2 U.S.C. 900(c)(7)).

5 “(3) ESTIMATES.—For the purposes of the Bal-  
6 anced Budget and Emergency Deficit Control Act of  
7 1985 (2 U.S.C. 900 et seq.) and the Congressional  
8 Budget Act of 1974 (2 U.S.C. 621 et seq.) and for  
9 determining points of order pursuant to that Act or  
10 any concurrent resolution on the budget, an estimate  
11 provided under those Acts for a provision in a bill  
12 or joint resolution, or amendment thereto or con-  
13 ference report thereon, that provides discretionary  
14 appropriations, derived from amounts in the Waste  
15 Fund, for such activities shall include in that esti-  
16 mate the amount of such fees that will be collected  
17 during the fiscal year for which such appropriation  
18 is made available. Any such estimate shall not in-  
19 clude any change in net direct spending as result in  
20 the appropriation of such fees.”.

## 21 **TITLE VI—MISCELLANEOUS**

### 22 **SEC. 601. CERTAIN STANDARDS AND CRITERIA.**

23 (a) **GENERALLY APPLICABLE STANDARDS AND CRI-**  
24 **TERIA.—**

1           (1) ENVIRONMENTAL PROTECTION AGENCY  
2           STANDARDS.—

3                   (A) DETERMINATION AND REPORT.—Not  
4           later than 2 years after the Nuclear Regulatory  
5           Commission has issued a final decision approv-  
6           ing or disapproving the issuance of a construc-  
7           tion authorization for a repository under section  
8           114(d)(1) of the Nuclear Waste Policy Act of  
9           1982 (42 U.S.C. 10134(d)) (as so designated  
10          by this Act), the Administrator of the Environ-  
11          mental Protection Agency shall—

12                   (i) determine if the generally applica-  
13          ble standards promulgated under section  
14          121(a) of the Nuclear Waste Policy Act of  
15          1982 (42 U.S.C. 10141(a)) should be up-  
16          dated; and

17                   (ii) submit to Congress a report on  
18          such determination.

19                   (B) RULE.—If the Administrator of the  
20          Environmental Protection Agency determines,  
21          under subparagraph (A), that the generally ap-  
22          plicable standards promulgated under section  
23          121(a) of the Nuclear Waste Policy Act of 1982  
24          (42 U.S.C. 10141(a)) should be updated, the  
25          Administrator, not later than 2 years after sub-

1 mission of the report under subparagraph  
2 (A)(ii), shall, by rule, promulgate updated gen-  
3 erally applicable standards under such section.

4 (2) COMMISSION REQUIREMENTS AND CRI-  
5 TERIA.—Not later than 2 years after the Adminis-  
6 trator of the Environmental Protection Agency pro-  
7 mulgates updated generally applicable standards  
8 pursuant to paragraph (1)(B), the Commission shall,  
9 by rule, promulgate updated technical requirements  
10 and criteria under section 121(b) of the Nuclear  
11 Waste Policy Act of 1982 (42 U.S.C. 10141(b)) as  
12 necessary to be consistent with such updated gen-  
13 erally applicable standards.

14 (b) SITE-SPECIFIC STANDARDS AND CRITERIA.—  
15 Nothing in this section shall affect the standards, tech-  
16 nical requirements, and criteria promulgated by the Ad-  
17 ministrator of the Environmental Protection Agency and  
18 the Nuclear Regulatory Commission for the Yucca Moun-  
19 tain site under section 801 of the Energy Policy Act of  
20 1992 (42 U.S.C. 10141 note).

21 **SEC. 602. APPLICATION.**

22 Section 135 of the Nuclear Waste Policy Act of 1982  
23 (42 U.S.C. 10155) is amended by striking subsection (h)  
24 and redesignating subsection (i) as subsection (h).

1 **SEC. 603. TRANSPORTATION SAFETY ASSISTANCE.**

2 Section 180(c) of the Nuclear Waste Policy Act of  
3 1982 (42 U.S.C. 10175(c)) is amended—

4 (1) by striking “(c) The Secretary” and insert-  
5 ing the following:

6 “(c) TRAINING AND ASSISTANCE.—

7 “(1) TRAINING.—The Secretary”; and

8 (2) by striking “The Waste Fund” and insert-  
9 ing the following:

10 “(2) ASSISTANCE.—The Secretary shall, subject  
11 to the availability of appropriations, provide in-kind,  
12 financial, technical, and other appropriate assist-  
13 ance, for safety activities related to the transpor-  
14 tation of high-level radioactive waste or spent nu-  
15 clear fuel, to any entity receiving technical assist-  
16 ance or funds under paragraph (1).

17 “(3) SOURCE OF FUNDING.—The Waste  
18 Fund”.

19 **SEC. 604. OFFICE OF SPENT NUCLEAR FUEL.**

20 (a) AMENDMENT TO THE NUCLEAR WASTE POLICY  
21 ACT OF 1982.—Section 304 of the Nuclear Waste Policy  
22 Act of 1982 (42 U.S.C. 10224(b)) is amended—

23 (1) in the heading, by striking “OFFICE OF CI-  
24 VILIAN RADIOACTIVE WASTE MANAGEMENT” and in-  
25 serting “OFFICE OF SPENT NUCLEAR FUEL”;

1           (2) in subsection (a), by striking “Office of Ci-  
2           vilian Radioactive Waste Management” and insert-  
3           ing “Office of Spent Nuclear Fuel”; and

4           (3) by amending subsection (b) to read as fol-  
5           lows:

6           “(b) DIRECTOR.—

7           “(1) FUNCTIONS.—The Director of the Office  
8           shall be responsible for carrying out the functions of  
9           the Secretary under this Act. The Director of the  
10          Office shall report directly to the Secretary.

11          “(2) QUALIFICATIONS.—The Director of the  
12          Office shall be appointed from among persons who  
13          have extensive expertise and experience in organiza-  
14          tional and project management.

15          “(3) REMOVAL.—The President may remove  
16          the Director only for inefficiency, neglect of duty, or  
17          malfeasance in office. If the President removes the  
18          Director, the President shall submit to Congress a  
19          statement explaining the reason for such removal.”.

20          (b) TRANSFER OF FUNCTIONS.—

21          (1) AMENDMENT.—Section 203(a) of the De-  
22          partment of Energy Organization Act (42 U.S.C.  
23          7133(a)) is amended by striking paragraph (8).

24          (2) TRANSFER OF FUNCTIONS.—The functions  
25          described in the paragraph (8) stricken by the

1 amendment made by paragraph (1) shall be trans-  
2 ferred to and performed by the Office of Spent Nu-  
3 clear Fuel, as provided in section 304 of the Nuclear  
4 Waste Policy Act of 1982 (42 U.S.C. 10224).

5 (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
6 The Nuclear Waste Policy Act of 1982 is amended—

7 (1) in the table of contents, by amending the  
8 item relating to section 304 to read as follows:

“Sec. 304. Office of Spent Nuclear Fuel.”;

9 and

10 (2) in section 2(17) (42 U.S.C. 10101(17)), by  
11 striking “Office of Civilian Radioactive Waste Man-  
12 agement established in section 305” and inserting  
13 “Office of Spent Nuclear Fuel established in section  
14 304”.

15 (d) REFERENCES.—Any reference to the Office of Ci-  
16 vilian Radioactive Waste Management in any law, regula-  
17 tion, document, record, executive order, or other paper of  
18 the United States shall be deemed to be a reference to  
19 the Office of Spent Nuclear Fuel.

20 **SEC. 605. SUBSEABED OR OCEAN WATER DISPOSAL.**

21 (a) PROHIBITION.—Section 5 of the Nuclear Waste  
22 Policy Act of 1982 (42 U.S.C. 10104) is amended—

23 (1) by striking “Nothing in this Act” and in-  
24 serting:

1 “(a) EFFECT ON MARINE PROTECTION, RESEARCH,  
2 AND SANCTUARIES ACT OF 1972.—Nothing in this Act”;  
3 and

4 (2) by adding at the end the following new sub-  
5 section:

6 “(b) SUBSEABED OR OCEAN WATER DISPOSAL.—  
7 Notwithstanding any other provision of law—

8 “(1) the subseabed or ocean water disposal of  
9 spent nuclear fuel or high-level radioactive waste is  
10 prohibited; and

11 “(2) no funds shall be obligated for any activity  
12 relating to the subseabed or ocean water disposal of  
13 spent nuclear fuel or high-level radioactive waste.”.

14 (b) REPEAL.—Section 224 of the Nuclear Waste Pol-  
15 icy Act of 1982, and the item relating thereto in the table  
16 of contents for such Act, are repealed.

17 **SEC. 606. BUDGETARY EFFECTS.**

18 (a) STATUTORY PAYGO SCORECARDS.—The budg-  
19 etary effects of this Act and the amendments made by this  
20 Act shall not be entered on either PAYGO scorecard main-  
21 tained pursuant to section 4(d) of the Statutory Pay-As-  
22 You-Go Act of 2010.

23 (b) SENATE PAYGO SCORECARDS.—The budgetary  
24 effects of this Act and the amendments made by this Act  
25 shall not be entered on any PAYGO scorecard maintained

1 for purposes of section 4106 of H. Con. Res. 71 (115th  
2 Congress).

3 **SEC. 607. REQUIREMENT FOR FINANCIAL STATEMENTS**

4 **SUMMARY.**

5 The Department of Energy shall include a financial  
6 statements summary in each audit report on the Depart-  
7 ment of Energy Nuclear Waste Fund's fiscal year finan-  
8 cial statement audit.

9 **SEC. 608. STRANDED NUCLEAR WASTE.**

10 (a) STRANDED NUCLEAR WASTE TASK FORCE.—

11 (1) ESTABLISHMENT.—The Secretary shall es-  
12 tablish a task force, to be known as the Stranded  
13 Nuclear Waste Task Force—

14 (A) to conduct a study on existing public  
15 and private resources and funding for which af-  
16 fected communities may be eligible; and

17 (B) to develop immediate and long-term  
18 economic adjustment plans tailored to the needs  
19 of each affected community.

20 (2) STUDY.—Not later than 180 days after the  
21 date of enactment of this Act, the Stranded Nuclear  
22 Waste Task Force shall complete and submit to  
23 Congress the study described in paragraph (1).

24 (b) DEFINITIONS.—In this section:

1           (1) AFFECTED COMMUNITY.—The term “af-  
2           fected community” means a municipality that con-  
3           tains stranded nuclear waste within the boundaries  
4           of the municipality, as determined by the Secretary.

5           (2) SECRETARY.—The term “Secretary” means  
6           the Secretary of Energy.

7           (3) STRANDED NUCLEAR WASTE.—The term  
8           “stranded nuclear waste” means nuclear waste or  
9           spent nuclear fuel stored in dry casks or spent fuel  
10          pools at a decommissioned or decommissioning nu-  
11          clear facility.