

S 870

An act to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs, to advance the benefits of nuclear energy, and for other purposes.

Congress: 118 (2023–2025, Ended)

Chamber: Senate

Policy Area: Energy

Introduced: Mar 16, 2023

Current Status: Became Public Law No: 118-67.

Latest Action: Became Public Law No: 118-67. (Jul 9, 2024)

Law: 118-67 (Enacted Jul 9, 2024)

Official Text: <https://www.congress.gov/bill/118th-congress/senate-bill/870>

Sponsor

Name: Sen. Peters, Gary C. [D-MI]

Party: Democratic • **State:** MI • **Chamber:** Senate

Cosponsors (14 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Carper, Thomas R. [D-DE]	D · DE		Mar 16, 2023
Sen. Collins, Susan M. [R-ME]	R · ME		Mar 16, 2023
Sen. Murkowski, Lisa [R-AK]	R · AK		Mar 16, 2023
Sen. Boozman, John [R-AR]	R · AR		Mar 27, 2023
Sen. Coons, Christopher A. [D-DE]	D · DE		Mar 27, 2023
Sen. Heinrich, Martin [D-NM]	D · NM		Mar 27, 2023
Sen. Moran, Jerry [R-KS]	R · KS		Mar 27, 2023
Sen. King, Angus S., Jr. [I-ME]	I · ME		Mar 28, 2023
Sen. Rounds, Mike [R-SD]	R · SD		Mar 28, 2023
Sen. Sinema, Kyrsten [I-AZ]	I · AZ		Mar 28, 2023
Sen. Sullivan, Dan [R-AK]	R · AK		Mar 28, 2023
Sen. Tester, Jon [D-MT]	D · MT		Mar 28, 2023
Sen. Brown, Sherrod [D-OH]	D · OH		Jun 17, 2024
Sen. Manchin, Joe, III [I-WV]	I · WV		Jun 18, 2024

Committee Activity

No committee referrals or activity are recorded for this bill.

Subjects & Policy Tags

Policy Area:

Energy

Related Bills

Bill	Relationship	Last Action
118 S 559	Related bill	Dec 9, 2024: Placed on Senate Legislative Calendar under General Orders. Calendar No. 669.
118 S 1111	Related bill	Jun 17, 2024: By Senator Carper from Committee on Environment and Public Works filed written report. Report No. 118-182.
118 HR 4090	Related bill	Sep 1, 2023: Placed on the Union Calendar, Calendar No. 141.

This act reauthorizes the U.S. Fire Administration and several grant programs for firefighters and fire prevention. It also establishes requirements for coordinating the regulation of nuclear energy and developing and deploying civil nuclear energy, including advanced nuclear reactors and new nuclear technologies.

DIVISION A—FIRE GRANTS AND SAFETY

Fire Grants and Safety Act of 2023

This division reauthorizes the U.S. Fire Administration through FY2028.

In addition, the division (1) extends the Assistance to Firefighters Grants Program, the Fire Prevention and Safety Grants Program, and the Staffing for Adequate Fire and Emergency Response Grant Program through FY2030; and (2) extends the authorizations of appropriations for the programs through FY2028.

It also directs the Government Accountability Office to conduct an audit of and issue a publicly available report on (1) barriers that prevent fire departments from accessing federal funds, and (2) the U.S. Fire Administration.

DIVISION B—ACCELERATING DEPLOYMENT OF VERSATILE, ADVANCED NUCLEAR FOR CLEAN ENERGY

Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 or the ADVANCE Act of 2024

TITLE I—AMERICAN NUCLEAR LEADERSHIP

(Sec. 101) The Nuclear Regulatory Commission (NRC) must coordinate all of its work relating to (1) import and export licensing for nuclear reactors and radioactive materials, and (2) international regulatory cooperation and assistance relating to nuclear reactors and radioactive materials.

The NRC must also support interagency and international coordination with respect to the establishment of (1) certain technical standards, (2) competent nuclear regulatory organizations and legal frameworks in foreign countries that are seeking to develop civil nuclear industries, and (3) exchange programs and training relating to civil nuclear licensing and oversight.

The NRC may establish an International Nuclear Reactor Export and Innovation Branch within the Office of International Programs to carry out certain international nuclear export and innovation activities.

This section provides that the costs for the international nuclear export and innovation activities included in this section are excluded from NRC's annual fees. It also directs the NRC to identify these activities in its annual budget justification.

(Sec. 102) This section restricts the possession or ownership of enriched uranium that is fabricated outside of the United States into fuel assemblies for commercial nuclear reactors by an entity that (1) is owned or controlled by Russia or China; or (2) is organized under the laws of, or is otherwise subject to the jurisdiction, of Russia or China.

The section prohibits the possession or ownership of the fuel unless the NRC issues a license. Before the NRC may issue a license to nuclear power facilities to possess or own such fuel, the NRC must first consult with the Department of Energy (DOE) and the Department of State to determine whether possession of nuclear fuel from such countries poses a threat to the national security of the United States. If DOE and the State Department jointly determine that possession or ownership of the fuel would pose such a threat, then the NRC may not issue a license.

(Sec. 103) The NRC must notify specified congressional committees if it issues an export license for the transfer of certain nuclear fuels, reactors, plants, or plant components to countries that have not signed specified nonproliferation protocols of the International Atomic Energy Agency (IAEA).

(Sec. 104) DOE must study and report on the global status of (1) the civilian nuclear energy industry, and (2) the supply chains of the civilian nuclear energy industry.

(Sec. 105) DOE must, with the concurrence of the Department of State, identify and evaluate certain factors that may be used to determine whether a country is preapproved (i.e., has generally authorized destination status) to receive certain nuclear-related assistance and technology transfers from the United States. DOE must also (1) review and update the process for determining a country's generally authorized destination status and consider the factors that have been identified, and (2) revise the list of qualifying countries at least one every five years.

TITLE II—DEVELOPING AND DEPLOYING NEW NUCLEAR TECHNOLOGIES

(Sec. 201) This section modifies the Nuclear Energy Innovation and Modernization Act to temporarily reduce the NRC's licensing fees collected from (1) advanced nuclear reactor applicants, or (2) advanced nuclear reactor pre-applicants for the review of licensing project plans of advanced nuclear reactors. The reduced rates terminate on September 30, 2030.

(Sec. 202) DOE may award prizes to a nonfederal entity or the Tennessee Valley Authority in an amount equal to NRC fees for licensing certain advanced nuclear reactors. Specifically, DOE may make awards for activities related to the review and approval of the first operating license or combined operating license for an advanced nuclear reactor.

DOE may make awards for the first advanced reactor that meets certain requirements and (1) uses isotopes derived from spent nuclear fuel or depleted uranium as fuel for the reactor, (2) is part of a nuclear integrated energy system that meets certain requirements, (3) is used for nonelectric application, or (4) is licensed under the new technology-inclusive regulatory framework required by the Nuclear Energy Innovation and Modernization Act.

An entity that receives an award is not required to repay that award or pay a dividend or interest on the award.

(Sec. 203) This section directs the NRC to report on any unique licensing issues or requirements relating to (1) the flexible operation of advanced nuclear reactors; (2) the use of advanced nuclear reactors exclusively for nonelectric applications; and (3) the placement of nuclear reactors adjacent to or near industrial plants or other facilities. The report must include cost estimates, proposed budgets, and proposed time frames for implementing risk-informed and performance-based regulatory guidance in the licensing of nuclear reactors for nonelectric applications.

(Sec. 204) This section excludes from the NRC's annual fees the costs for pre-application proceedings relating to an early site permit or the review of an early site permit associated with advanced nuclear reactor demonstrations to be located on DOE or critical national security infrastructure sites.

(Sec. 205) This section modifies the Atomic Energy Act of 1954 to expand the meaning of *byproduct material* to include material made radioactive by use of a fusion machine. Thus, the section excludes fusion reactors from the technology-inclusive regulatory framework for advanced nuclear fission reactors. A *fusion machine* means a machine that is capable of (1) transforming atomic nuclei, through fusion processes, into different elements, isotopes, or other particles; and (2) directly capturing and using the resultant products, including particles, heat, or other electromagnetic radiation.

This section also requires the NRC to report to Congress on (1) the results of a study conducted on risk- and performance-based, design-specific licensing frameworks for mass-manufactured fusion machines; and (2) the estimated

time line for the NRC to issue consolidated guidance or regulations for licensing mass-manufactured fusion machines, taking into account the results of the study and the anticipated need for the guidance or regulations.

(Sec. 206) This section requires the NRC to evaluate the extent to which modifications to regulations, guidance, or policy are necessary to license and oversee nuclear facilities at brownfield sites (e.g., properties with the presence of hazardous substances) or retired fossil fuel sites. The NRC must also (1) develop and implement strategies, or initiate a rulemaking, to enable efficient, timely, and predictable licensing of nuclear production facilities or utilization facilities at the sites; and (2) submit a report to Congress on the actions taken.

(Sec. 207) The NRC must establish and carry out an expedited process for issuing a combined construction and operating license for certain new nuclear reactors.

(Sec. 208) The NRC must develop risk-informed and performance-based strategies and guidance to license and regulate micro-reactors under the Atomic Energy Act of 1954.

TITLE III—PRESERVING EXISTING NUCLEAR ENERGY GENERATION

(Sec. 301) This section allows certain aliens, corporations, and other entities to receive licenses under the Atomic Energy Act of 1954 for nuclear utilization facilities if the NRC determines that issuing such licenses is not inimical to the (1) common defense and security, or (2) health and safety of the public. This section applies to an alien, corporation, or other entity that is owned, controlled, or dominated by (1) a country that is a member of the Organization for Economic Cooperation and Development or India, (2) a corporation that is incorporated in those countries, or (3) an alien who is a citizen or national of those countries. The section excludes individuals and entities that are subject to sanctions for engaging in certain transactions with the intelligence or defense sectors of Russia.

TITLE IV—NUCLEAR FUEL CYCLE, SUPPLY CHAIN, INFRASTRUCTURE, AND WORKFORCE

(Sec. 401) This section directs the NRC to report on advanced methods of manufacturing and construction for nuclear energy projects, including their licensing and safety issues. The report must include cost estimates, proposed budgets, and proposed time frames for implementing risk-informed and performance-based regulatory guidance for advanced manufacturing and construction for nuclear energy projects.

(Sec. 402) The NRC must establish within the University Nuclear Leadership Program a subprogram that provides training related to the critical mission needs of the NRC and nuclear workforce needs, including the nuclear tradecraft workforce.

(Sec. 403) DOE must biennially report on the spent nuclear fuel and high-level radioactive waste inventory in the United States. The report must describe the annual and cumulative payments made by the United States to the holder of a standard contract due to a partial breach of contract under the Nuclear Waste Policy Act of 1982 resulting in financial damages to the holder. The report must also quantify

- the amount spent to reduce projected legal payments to holders of such breached contracts;
- the amount spent by DOE to store, manage, and dispose of spent nuclear fuel and high-level radioactive waste in the United States; and
- the projected lifecycle costs to store, manage, transport, and dispose of the projected inventory of spent nuclear fuel and high-level radioactive waste in the United States.

Further, the report must also

- describe any DOE actions taken in the previous fiscal year with respect to interim storage,
- describe any DOE activities taken in the previous fiscal year to develop and deploy technologies and fuels that enhance the safe transportation and storage of spent nuclear fuel and high-level radioactive waste, and
- provide recommendations for improving DOE's methods for the accounting of spent nuclear fuel and high-level radioactive waste costs and liabilities.

(Sec. 404) The section directs the NRC to establish an initiative to enhance preparedness and coordination with respect to the qualification and licensing of advanced nuclear fuel.

TITLE V—IMPROVING COMMISSION EFFICIENCY

(Sec. 501) This section directs the NRC to update its mission statement to include that licensing and regulation of the civilian use of radioactive materials and nuclear energy be conducted in a manner that is efficient and does not unnecessarily limit (1) the civilian use of radioactive materials and deployment of nuclear energy, or (2) the benefits of civilian use of radioactive materials and nuclear energy technology to society.

(Sec. 502) Until September 30, 2034, this section allows the NRC to hire certain exceptionally well-qualified staff without regard to specified civil service laws for certain (1) excepted service positions; and (2) term-limited excepted service positions that may not exceed a term of four years. The number of individuals serving in the excepted service positions may not exceed 210 at any one time, and the NRC may not appoint more than 20 individuals for the term-limited positions during any fiscal year.

The NRC may use the hiring authorities for (1) positions in which an employee or other personnel is responsible for conducting work of a highly-specialized scientific, technical, engineering, mathematical, or otherwise skilled nature to address a critical licensing or regulatory oversight need for the NRC; or (2) positions that the NRC Executive Director for Operations determines are necessary to fulfill the responsibilities of the NRC in a timely, efficient, and effective manner.

The section also gives the NRC additional compensation authority, including for paying hiring bonus to employees hired under this section and performance bonuses to certain existing employees who have exhibited exceptional performance.

The NRC must annually report on information relating to hiring, vacancies, and compensation at the NRC, including an assessment of critical workforce needs.

No later than September 30, 2033, the Government Accountability Office must report on whether Congress should extend, enhance, modify, or discontinue the hiring and compensation authorities provided to the NRC under this section.

(Sec. 503) This section directs the NRC to submit and make publicly available a report that describes (1) the progress on limiting corporate support costs in its annual budget as specified under the Nuclear Energy Innovation and Modernization Act, and (2) whether the NRC is meeting and is expected to meet the total budget authority caps required for corporate support under that act.

This section also raises the cap on corporate support costs that may be included in the NRC's annual budget justification to Congress. Specifically, it raises the cap on corporate support costs from 28% of the total NRC budget to 30%.

In addition, the section excludes from corporate support costs (1) costs for rent and utilities relating to any and all space in the Three White Flint North building that is not occupied by the NRC; and (2) costs for salaries, travel, and other support for the NRC's Office of the Commission.

(Sec. 504) This section requires the NRC to submit a report to Congress if a final safety evaluation for a requested activity of the NRC is not completed within 90 days (currently 180 days) of the completion date required by the performance metrics or milestone schedule.

This section also directs the NRC to periodically review and assess performance metrics and milestone schedules. The NRC must revise the metrics and schedules to provide the most efficient schedules and metrics that are reasonably achievable.

(Sec. 505) This section directs the Office of Nuclear Reactor Regulation, in carrying out its principal licensing and regulation functions, to

- establish techniques and guidance for evaluating applications for licenses for nuclear reactors to support efficient, timely, and predictable reviews of applications for those licenses;
- modify those techniques and guidance if necessary; and
- obtain approval from the NRC if establishment or modification of the techniques and guidance involves policy formation.

In addition, the section directs the NRC to provide for efficient and timely reviews and proceedings for the granting, suspending, revoking, or amending of any (1) license or construction permit, or (2) application to transfer control.

In reviewing an application for an early site permit, construction permit, operating license, or combined construction permit and operating license for a production facility or utilization facility of an existing site, the NRC must, to the extent practicable, use information that was part of the licensing basis of such facility.

(Sec. 506) The NRC must report on its efforts to facilitate efficient, timely, and predictable environmental reviews of nuclear reactor applications for a license under Section 103 of the Atomic Energy Act of 1954.

(Sec. 507) The NRC must report on specific improvements to the nuclear reactor and materials oversight and inspection programs carried out pursuant to the Atomic Energy Act of 1954 that the NRC may implement to maximize the efficiency of such programs through the use of risk-informed, performance-based procedures, expanded incorporation of information technologies, and staff training.

TITLE VI—MISCELLANEOUS

(Sec. 601) This section specifies that the NRC may issue a license under the Atomic Energy Act of 1954 for certain research and development activities at a utilization facility if (1) no more than 75% of the annual costs to the licensee of owning and operating the facility are devoted to the sale of non-energy services and energy other than for research and development or education and training, and (2) not more than 50% of the annual costs to the licensee of owning and operating the facility are devoted to the sale of energy.

(Sec. 602) The NRC must report on any engagement between the NRC and Canada with respect to nuclear waste issues in the Great Lakes Basin.

Actions Timeline

- **Jul 9, 2024:** Signed by President.
- **Jul 9, 2024:** Became Public Law No: 118-67.
- **Jul 8, 2024:** Presented to President.
- **Jun 20, 2024:** Message on Senate action sent to the House.
- **Jun 18, 2024:** Measure laid before Senate by unanimous consent. (consideration: CR S4125-4142)
- **Jun 18, 2024:** Motion by Senator Schumer to concur in the House amendment to S. 870 made in Senate. (CR S4125)
- **Jun 18, 2024:** Resolving differences -- Senate actions: Senate agreed to the House amendments to S. 870 by Yea-Nay Vote. 88 - 2. Record Vote Number: 200.
- **Jun 18, 2024:** Senate agreed to the House amendments to S. 870 by Yea-Nay Vote. 88 - 2. Record Vote Number: 200. (consideration: CR S4142)
- **May 9, 2024:** Message on House action received in Senate and at desk: House amendments to Senate bill.
- **May 8, 2024:** Considered as unfinished business. (consideration: CR H2986)
- **May 8, 2024:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 393 - 13, 1 Present (Roll no. 194). (text: 5/7/2024 CR H2910-2919)
- **May 8, 2024:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 393 - 13, 1 Present (Roll no. 194). (text: 5/7/2024 CR H2910-2919)
- **May 8, 2024:** Motion to reconsider laid on the table Agreed to without objection.
- **May 8, 2024:** The title of the measure was amended. Agreed to without objection.
- **May 7, 2024:** Mr. Kean (NJ) moved to suspend the rules and pass the bill, as amended.
- **May 7, 2024:** Considered under suspension of the rules. (consideration: CR H2910-2922)
- **May 7, 2024:** DEBATE - The House proceeded with forty minutes of debate on S. 870.
- **May 7, 2024:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Apr 24, 2023:** Received in the House.
- **Apr 24, 2023:** Held at the desk.
- **Apr 20, 2023:** Considered by Senate. (consideration: CR S1277-1285)
- **Apr 20, 2023:** Passed/agreed to in Senate: Passed Senate, under the order of 4/18/2023, having achieved 60 votes in the affirmative, without amendment by Yea-Nay Vote. 95 - 2. Record Vote Number: 94.(text: S1285)
- **Apr 20, 2023:** Passed Senate, under the order of 4/18/2023, having achieved 60 votes in the affirmative, without amendment by Yea-Nay Vote. 95 - 2. Record Vote Number: 94. (text: S1285)
- **Apr 20, 2023:** Message on Senate action sent to the House.
- **Apr 19, 2023:** Considered by Senate. (consideration: CR S1219, S1224-1227, S1238-1239)
- **Apr 18, 2023:** Considered by Senate. (consideration: CR S1154-1161)
- **Apr 18, 2023:** Cloture motion on the measure withdrawn by unanimous consent in Senate.
- **Mar 30, 2023:** Motion to proceed to measure considered in Senate. (CR S1063)
- **Mar 30, 2023:** Motion to proceed to consideration of measure agreed to in Senate by Voice Vote.
- **Mar 30, 2023:** Measure laid before Senate by motion. (consideration: CR S1063, S1078-1079)
- **Mar 30, 2023:** Cloture motion on the measure presented in Senate. (CR S1079)
- **Mar 29, 2023:** Cloture on the motion to proceed to the measure invoked in Senate by Yea-Nay Vote. 96 - 0. Record Vote Number: 78. (CR S1016-1017)
- **Mar 29, 2023:** Motion to proceed to measure considered in Senate. (CR S1017)
- **Mar 27, 2023:** Motion to proceed to consideration of measure made in Senate. (CR S946)
- **Mar 27, 2023:** Cloture motion on the motion to proceed to the measure presented in Senate. (CR S946)
- **Mar 21, 2023:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 28.
- **Mar 16, 2023:** Introduced in Senate
- **Mar 16, 2023:** Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.