

117TH CONGRESS
2D SESSION

S. 3978

To require the Secretary of Energy to carry out a program to operate a uranium reserve consisting of uranium produced and converted in the United States and a program to ensure the availability of uranium produced, converted, and enriched in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 31, 2022

Mr. BARRASSO (for himself, Ms. LUMMIS, Mr. CRAMER, and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require the Secretary of Energy to carry out a program to operate a uranium reserve consisting of uranium produced and converted in the United States and a program to ensure the availability of uranium produced, converted, and enriched in the United States, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Opportunity
3 to Restore Uranium Supply Services In America Act of
4 2022” or the “NO RUSSIA Act of 2022”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) DEPARTMENT.—The term “Department”
8 means the Department of Energy.

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of Energy, acting through the Assist-
11 ant Secretary for Nuclear Energy.

12 (3) URANIUM RESERVE.—The term “Uranium
13 Reserve” means the national strategic uranium re-
14 serve operated pursuant to the program described in
15 section 3(a).

16 **SEC. 3. NATIONAL STRATEGIC URANIUM RESERVE.**

17 (a) PROGRAM.—On enactment of this Act, the Sec-
18 retary shall immediately begin executing, with the
19 amounts reallocated under subsection (f)(1), a program to
20 operate a national strategic uranium reserve to ensure the
21 availability of uranium produced and converted in the
22 United States in accordance with this section.

23 (b) PURPOSES.—The purposes of the Uranium Re-
24 serve are—

1 (1) to ensure the availability of domestically
2 produced and converted uranium in the event of a
3 supply disruption;

4 (2) to address domestic nuclear fuel supply
5 chain gaps and deficiencies in uranium production
6 and conversion; and

7 (3) to support strategic nuclear fuel supply
8 chain capabilities in the United States.

9 (c) ACTIVITIES.—In operating the Uranium Reserve,
10 the Secretary shall—

11 (1) operate the Uranium Reserve in a manner
12 consistent with the recommendations in the docu-
13 ment entitled “Restoring America’s Competitive Nu-
14 clear Energy Advantage: A Strategy to Assure U.S.
15 National Security”, released by the United States
16 Nuclear Fuel Working Group in 2020;

17 (2) acquire uranium produced and converted in
18 the United States that is sufficient to sustain the
19 continued operation of nuclear reactors in the
20 United States in the event of a supply disruption;

21 (3) make uranium available as needed, in a
22 manner consistent with the cost recovery require-
23 ments described in subsection (d); and

1 (4) replenish, in a manner consistent with the
2 requirements of this section, uranium made available
3 by the Department.

4 (d) COST RECOVERY.—

5 (1) IN GENERAL.—In carrying out activities
6 under this section, the Secretary shall ensure that
7 any uranium acquired, provided, or made available
8 through the Uranium Reserve is subject to cost re-
9 covery based on the fair market value of the subject
10 uranium.

11 (2) AVAILABILITY OF CERTAIN FUNDS.—Not-
12 withstanding section 3302 of title 31, United States
13 Code, revenues received from the sale or transfer of
14 uranium and other activities related to making ura-
15 nium available pursuant to this section—

16 (A) shall be available to the Department
17 for carrying out the purposes of this section, to
18 reduce the need for further appropriations for
19 those purposes; and

20 (B) shall remain available until expended.

21 (e) EXCLUSION.—The Secretary shall exclude from
22 the Uranium Reserve uranium from an entity that—

23 (1) is owned or controlled by the Government of
24 the Russian Federation or the Government of the
25 People's Republic of China; or

1 (2) is organized under the laws of, or otherwise
2 subject to the jurisdiction of, the Russian Federation
3 or the People's Republic of China.

4 (f) FUNDING.—

5 (1) REALLOCATION.—

6 (A) IN GENERAL.—Notwithstanding any
7 other provision of law, the amounts described in
8 subparagraph (B) shall be reallocated to the
9 Office of Nuclear Energy of the Department for
10 the purpose of executing the program described
11 in subsection (a) by—

12 (i) continuing the activities initiated
13 by the Department, including the National
14 Nuclear Security Administration, using
15 amounts made available for the Uranium
16 Reserve Program pursuant to the proviso
17 referred to in that subparagraph;

18 (ii) carrying out other activities con-
19 sistent with the purposes for which the
20 amounts described in clause (i) were origi-
21 nally made available; and

22 (iii) carrying out activities in accord-
23 ance with this section.

24 (B) AMOUNTS DESCRIBED.—The amounts
25 referred to in subparagraph (A) are the

1 amounts that remain available as of the date of
2 enactment of this Act from the \$75,000,000
3 made available for the Uranium Reserve Pro-
4 gram pursuant to the first proviso under the
5 heading “WEAPONS ACTIVITIES” under the
6 heading “NATIONAL NUCLEAR SECURITY
7 ADMINISTRATION” under the heading
8 “ATOMIC ENERGY DEFENSE ACTIVI-
9 TIES” in title III of division D of the Consoli-
10 dated Appropriations Act, 2021 (Public Law
11 116–260; 134 Stat. 1369).

12 (C) CLARIFICATION.—Subparagraph (A)
13 does not affect any amounts made available to
14 the Department, including the National Nuclear
15 Security Administration, that are not described
16 in the proviso referred to in subparagraph (B)
17 as available for the Uranium Reserve Program.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—In
19 addition to amounts otherwise made available, there
20 is authorized to be appropriated to the Secretary to
21 carry out this section \$150,000,000 for each of fis-
22 cal years 2023 through 2032.

23 **SEC. 4. DOMESTIC URANIUM AVAILABILITY.**

24 (a) ESTABLISHMENT.—Not later than 60 days after
25 the date of enactment of this Act, the Secretary shall es-

1 establish a program (referred to in this section as the “pro-
2 gram”) to ensure the availability of uranium produced,
3 converted, and enriched in the United States.

4 (b) PURPOSES.—The purposes of the program shall
5 be—

6 (1) to eliminate reliance on Russian uranium;

7 (2) to address domestic nuclear fuel supply
8 chain gaps and deficiencies; and

9 (3) to ensure the availability of domestically
10 produced, converted, and enriched uranium to sup-
11 port the continued operation of nuclear reactors in
12 the United States.

13 (c) CONSIDERATIONS.—In carrying out the program,
14 the Secretary shall consider, and, as appropriate, execute
15 options—

16 (1) to establish, through a competitive process,
17 new and, as appropriate, diverse domestic uranium
18 mining, conversion, and enrichment capacity that is
19 needed to replace uranium imported from Russia;

20 (2) to activate and expand the American As-
21 sured Fuel Supply to meet domestic and inter-
22 national nuclear fuel supply needs;

23 (3) to restock the American Assured Fuel Sup-
24 ply, including by utilizing, or merging with, the Ura-
25 nium Reserve;

1 (4) that do not disrupt or replace market mech-
2 anisms; and

3 (5) that ensure the use of domestic uranium
4 utilized as a result of the program does not nega-
5 tively impact the economic operation of nuclear reac-
6 tors in the United States.

7 (d) EXCLUSION.—The Secretary shall exclude from
8 the program uranium from an entity that—

9 (1) is owned or controlled by the Government of
10 the Russian Federation or the Government of the
11 People’s Republic of China; or

12 (2) is organized under the laws of, or otherwise
13 subject to the jurisdiction of, the Russian Federation
14 or the People’s Republic of China.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—In addi-
16 tion to amounts otherwise made available, there are au-
17 thorized to be appropriated to the Secretary such sums
18 as are necessary to carry out this section for each of fiscal
19 years 2023 through 2032.

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