

115TH CONGRESS  
1ST SESSION

# S. 95

To require the Secretary of Energy to obtain the consent of affected State and local governments before making an expenditure from the Nuclear Waste Fund for a nuclear waste repository.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 11, 2017

Mr. HELLER (for himself and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To require the Secretary of Energy to obtain the consent of affected State and local governments before making an expenditure from the Nuclear Waste Fund for a nuclear waste repository.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nuclear Waste In-  
5 formed Consent Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the terms “affected Indian tribe”, “af-  
8 fected unit of local government”, “Commission”, “high-

1 level radioactive waste”, “repository”, “spent nuclear  
 2 fuel”, and “unit of general local government” have the  
 3 meanings given the terms in section 2 of the Nuclear  
 4 Waste Policy Act of 1982 (42 U.S.C. 10101).

5 **SEC. 3. CONSENT BASED APPROVAL.**

6 (a) IN GENERAL.—The Secretary may not make an  
 7 expenditure from the Nuclear Waste Fund for the costs  
 8 of the activities described in paragraphs (4) and (5) of  
 9 section 302(d) of the Nuclear Waste Policy Act of 1982  
 10 (42 U.S.C. 10222(d)) unless the Secretary has entered  
 11 into an agreement to host a repository with—

12 (1) the Governor of the State in which the re-  
 13 pository is proposed to be located;

14 (2) each affected unit of local government;

15 (3) any unit of general local government contig-  
 16 uous to the affected unit of local government if  
 17 spent nuclear fuel or high-level radioactive waste will  
 18 be transported through that unit of general local  
 19 government for disposal at the repository; and

20 (4) each affected Indian tribe.

21 (b) CONDITIONS ON AGREEMENT.—Any agreement  
 22 to host a repository under this Act—

23 (1) shall be in writing and signed by all parties;

24 (2) shall be binding on the parties; and

1           (3) shall not be amended or revoked except by  
2           mutual agreement of the parties.

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