

118TH CONGRESS  
1ST SESSION

# S. 404

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, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2023

Ms. CORTEZ MASTO (for herself and Ms. ROSEN) 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, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nuclear 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”, “high-level radioactive

1 waste”, “repository”, “Secretary”, “spent nuclear fuel”,  
2 and “unit of general local government” have the meanings  
3 given the terms in section 2 of the Nuclear Waste Policy  
4 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 established  
8 under section 302(c) of the Nuclear Waste Policy Act of  
9 1982 (42 U.S.C. 10222(c)) for the costs of the activities  
10 described in paragraphs (4) and (5) of section 302(d) of  
11 that Act (42 U.S.C. 10222(d)) unless the Secretary has  
12 entered into an agreement for a repository with—

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

15 (2) each affected unit of local government;

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

21 (4) each affected Indian tribe.

22 (b) CONDITIONS ON AGREEMENT.—Any agreement  
23 for a repository under this Act—

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

25 (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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