

110TH CONGRESS
2D SESSION

H. R. 5943

To authorize the Secretary of Energy to establish monetary prizes for achievements in designing and proposing nuclear energy used fuel alternatives.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2008

Mr. BURGESS introduced the following bill; which was referred to the Committee on Science and Technology

A BILL

To authorize the Secretary of Energy to establish monetary prizes for achievements in designing and proposing nuclear energy used fuel alternatives.

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 Used Fuel
5 Prize Act of 2008”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTERING ENTITY.—The term “ad-
9 ministering entity” means the entity with which the

1 Secretary enters into an agreement under section
2 4(c).

3 (2) DEPARTMENT.—The term “Department”
4 means the Department of Energy.

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

7 **SEC. 3. FINDINGS.**

8 The Congress finds the following:

9 (1) The rising cost of energy has become a hin-
10 drance to American economic progress.

11 (2) High and rising energy costs have become
12 a burden upon the American family.

13 (3) Nuclear energy can be a safe, efficient,
14 clean, and affordable source of renewable energy and
15 should be considered as part of the solution for long-
16 term American energy independence.

17 (4) Used nuclear fuel is and has been safely
18 stored on nuclear energy electricity producing reac-
19 tor sites for many years.

20 (5) Those sites were originally not designed or
21 built for such storage.

22 (6) By 2015 it is estimated that the United
23 States will maintain 70,000 tons of high-level nu-
24 clear waste.

1 (7) The country's electricity needs are best
2 served by allowing new nuclear reactors to be built,
3 in many cases on existing reactor sites.

4 (8) Removal of the used nuclear fuel from those
5 sites can be safely done and would lead to more effi-
6 cient management of used fuel, and lower costs.

7 (9) Development of alternatives to current stor-
8 age facilities, including the Yucca Mountain long-
9 term storage facility, would also allow used nuclear
10 fuel from decommissioned reactor sites to be moved
11 and final clean up of those sites to take place.

12 (10) Citizens and communities in the United
13 States interested in developing alternatives to cur-
14 rent storage proposals, including the high-level
15 Yucca Mountain storage facility, should be provided
16 the incentive to move forward with these designs and
17 plans.

18 (11) Prize legislation has been a successful
19 method used by the United States Government to
20 solve some of our country's most difficult problems,
21 from space travel to vehicles with super efficiency.

22 (12) There is merit in and need for establishing
23 a program of prize incentives to develop used nu-
24 clear fuel management plans.

1 **SEC. 4. PRIZE AUTHORITY.**

2 (a) IN GENERAL.—The Secretary shall carry out a
3 program to competitively award cash prizes in conformity
4 with this Act to advance the research, development, dem-
5 onstration, and commercial application of nuclear used
6 fuel storage.

7 (b) ADVERTISING AND SOLICITATION OF COMPETI-
8 TORS.—

9 (1) ADVERTISING.—The Secretary shall widely
10 advertise prize competitions to encourage broad par-
11 ticipation in the program carried out under sub-
12 section (a), including individuals, universities, com-
13 munities, and large and small businesses.

14 (2) ANNOUNCEMENT THROUGH FEDERAL REG-
15 ISTER NOTICE.—The Secretary shall announce each
16 prize competition by publishing a notice in the Fed-
17 eral Register. This notice shall include essential ele-
18 ments of the competition such as the subject of the
19 competition, the duration of the competition, the eli-
20 gibility requirements for participation in the com-
21 petition, the process for participants to register for
22 the competition, the amount of the prize, and the
23 criteria for awarding the prize.

24 (c) ADMINISTERING THE COMPETITION.—The Sec-
25 retary may enter into an agreement with a private, non-
26 profit entity to administer the prize competitions, subject

1 to the provisions of this Act. The administering entity
2 shall perform the following functions:

3 (1) Advertise the competition and its results.

4 (2) Raise funds from private entities and indi-
5 viduals to pay for administrative costs and cash
6 prizes.

7 (3) Develop, in consultation with and subject to
8 the final approval of the Secretary, criteria to select
9 winners based upon the goal of safely and ade-
10 quately storing nuclear used fuel.

11 (4) Determine, in consultation with and subject
12 to the final approval of the Secretary, the appro-
13 priate amount of the awards.

14 (5) Protect against the administering entity's
15 unauthorized use or disclosure of a registered par-
16 ticipant's intellectual property, trade secrets, and
17 confidential business information. Any information
18 properly identified as trade secrets or confidential
19 business information that is submitted by a partici-
20 pant as part of a competitive program under this
21 Act may be withheld from public disclosure.

22 (6) Develop and promulgate sufficient rules to
23 define the parameters of designing and proposing
24 safe and secure nuclear energy used fuel storage

1 with input from industry, citizens, and corporations
2 familiar with such activities.

3 (d) FUNDING SOURCES.—Prizes under this Act may
4 consist of Federal appropriated funds, funds provided by
5 the administering entity, or funds raised through grants
6 or donations. The Secretary may accept funds from other
7 Federal agencies for such cash prizes and, notwith-
8 standing section 3302(b) of title 31, United States Code,
9 may use such funds for the cash prize program. Other
10 than publication of the names of prize sponsors, the Sec-
11 retary may not give any special consideration to any pri-
12 vate sector entity or individual in return for a donation
13 to the Secretary or administering entity.

14 (e) ANNOUNCEMENT OF PRIZES.—The Secretary
15 may not publish a notice required by subsection (b)(2)
16 until all the funds needed to pay out the announced
17 amount of the prize have been appropriated to the Depart-
18 ment or the Department has received from the admin-
19 istering entity a written commitment to provide all nec-
20 essary funds.

21 **SEC. 5. ELIGIBILITY.**

22 To be eligible to win a prize under this Act, an indi-
23 vidual or entity—

1 (1) shall notify the administering entity of in-
2 tent to submit ideas and intent to collect the prize
3 upon selection;

4 (2) shall comply with all the requirements stat-
5 ed in the Federal Register notice required under sec-
6 tion 4(b)(2);

7 (3) in the case of a private entity, shall be in-
8 corporated in and maintain a primary place of busi-
9 ness in the United States, and in the case of an in-
10 dividual, whether participating singly or in a group,
11 shall be a citizen of the United States;

12 (4) shall not be a Federal entity, a Federal em-
13 ployee acting within the scope of his or her employ-
14 ment, or an employee of a national laboratory acting
15 within the scope of employment;

16 (5) shall not use Federal funding or other Fed-
17 eral resources to compete for the prize;

18 (6) shall not be an entity acting on behalf of
19 any foreign government or agent acting on behalf of
20 a current federally filed proposal for a spent nuclear
21 fuel storage facility or repository; and

22 (7) shall present a proposal to the admin-
23 istering entity to remove used nuclear fuel for such
24 period of time as shall be necessary prior to the de-
25 velopment of advanced fuel cycle facilities and a

1 final repository for used fuel waste as may be ulti-
2 mately in need of disposal.

3 **SEC. 6. INTELLECTUAL PROPERTY.**

4 The Federal Government shall not, by virtue of offer-
5 ing or awarding a prize under this Act, be entitled to any
6 intellectual property rights derived as a consequence of,
7 or in direct relation to, the participation by a registered
8 participant in a competition authorized by this Act. This
9 section shall not be construed to prevent the Federal Gov-
10 ernment from negotiating a license for the use of intellec-
11 tual property developed for a prize competition under this
12 Act. The Federal Government may seek assurances that
13 technologies for which prizes are awarded under this Act
14 are offered for commercialization in the event an award
15 recipient does not take, or is not expected to take within
16 a reasonable time, effective steps to achieve practical ap-
17 plication of the technology.

18 **SEC. 7. WAIVER OF LIABILITY.**

19 The Secretary may require registered participants to
20 waive claims against the Federal Government and the ad-
21 ministering entity (except claims for willful misconduct)
22 for any injury, death, damage, or loss of property, revenue,
23 or profits arising from the registered participants' partici-
24 pation in a competition under this Act. The Secretary
25 shall give notice of any waiver required under this section

1 in the notice required by section 4(b)(2). The Secretary
2 may not require a registered participant to waive claims
3 against the administering entity arising out of the unau-
4 thorized use or disclosure by the administering entity of
5 the registered participant's intellectual property, trade se-
6 crets, or confidential business information.

7 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) AWARDS.—There are authorized to be appro-
9 priated to the Secretary for the period encompassing fiscal
10 years 2009 through 2020 for carrying out this Act—

11 (1) \$10,000,000 each for two awards, and Fed-
12 eral contracting opportunities; and

13 (2) \$2,000,000 for two additional awards to
14 support continued actions to develop the successful
15 entities.

16 (b) TREATMENT OF AWARDS.—Amounts received
17 pursuant to an award under this Act may not be taxed
18 by any Federal, State, or local authority.

19 (c) ADMINISTRATION.—In addition to the amounts
20 authorized under subsection (a), there are authorized to
21 be appropriated to the Secretary for each of fiscal years
22 2009 through 2020 \$2,000,000 for the administrative
23 costs of carrying out this Act.

24 (d) CARRYOVER OF FUNDS.—Funds appropriated for
25 prize awards under this Act shall remain available until

1 expended and may be transferred, reprogrammed, or ex-
2 pended for other purposes only after the expiration of 11
3 fiscal years after the fiscal year for which the funds were
4 originally appropriated. No provision in this Act permits
5 obligation or payment of funds in violation of section 1341
6 of title 31, United States Code.

○