

To the office of U.S. Senator James E. Risch

Re: S 5254 (119th Congress), Civil Nuclear Export Act of 2026 • Latest action (2026-08-05): Read twice and referred to the Committee on Banking, Housing, and Urban Affairs.
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Civil Nuclear Export Competitiveness and Safeguards Act of 2025

The measure, as described from the official record: The bill seeks to remove or modify the current prohibition on the Export-Import Bank financing civil nuclear energy projects abroad, allowing U.S. companies to compete in the global nuclear energy market.

THE PROPOSAL

The Export-Import Bank of the United States is authorized to provide financing for the export of civil nuclear energy goods and services, subject to the following conditions. Financing may only be extended to projects in countries that are parties to the Treaty on the Non-Proliferation of Nuclear Weapons and have in force an Additional Protocol with the International Atomic Energy Agency. The Secretary of State, in consultation with the Secretary of Energy, shall certify that the recipient country maintains a civil nuclear program that meets international nonproliferation standards and that the project is for a reactor design licensed or certified by the U.S. Nuclear Regulatory Commission. The total amount of financing authorized under this section shall not exceed \$5 billion over a five-year period, and no single project may receive more than \$1 billion in financing. The Export-Import Bank shall establish a dedicated office to monitor compliance with these conditions, and the Comptroller General shall submit an annual report to Congress on the program's impact on U.S. exports, nonproliferation, and safety. Any violation of the conditions shall result in immediate suspension of financing and potential revocation of the project's eligibility. This section shall sunset five years after the effective date, unless reauthorized by Congress.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Existing Export-Import Bank reserves and borrowing authority, offset by fees charged to project applicants.
Funding Amount	Up to \$5 billion total over five years, with a per-project cap of \$1 billion.
Sunset Years	5 years
Oversight Body	Department of State (nonproliferation certification), Nuclear Regulatory Commission (reactor design review), and the Government Accountability Office (annual reporting to Congress).
Enforcement Mechanism	Financing agreements include a clause allowing immediate suspension and revocation upon noncompliance; the Export-Import Bank's board may terminate financing for violations.
Effective Date	90 days after enactment.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3 (Commerce with foreign nations)
- Article II, Section 2, Clause 2 (Treaty Power, regarding nonproliferation commitments)

Concerns with the measure as written:

- No constitutional concerns arise because the bill operates within the federal commerce power and the Export-Import Bank's statutory authority; it does not exceed enumerated powers or infringe on rights.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

This bill honors Democratic priorities of nonproliferation and environmental safety by limiting financing to countries with strong nonproliferation commitments and requiring advanced, safer reactor designs. It honors Republican priorities of supporting U.S. exports, energy dominance, and economic growth by enabling American nuclear companies to compete globally without increasing the deficit.

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