

AMENDMENT TO RULES COMM. PRINT 118–36

OFFERED BY MR. KEAN OF NEW JERSEY

At the end of title XVII, add the following:

1 **Subtitle D—Rosatom Sanctions**
2 **Enforcement Act**

3 **SEC. 1751. SHORT TITLE.**

4 This subtitle may be cited as the “Rosatom Sanctions
5 Enforcement Act”.

6 **SEC. 1752. STATEMENT OF POLICY.**

7 It shall be the policy of the United States—

8 (1) to end United States reliance on the nuclear
9 energy sector of the Russian Federation, including
10 Rosatom, in light of Russia’s unprovoked war of ag-
11 gression against Ukraine, a grave breach of inter-
12 national law;

13 (2) to work with United States allies and part-
14 ners to find alternative nuclear energy suppliers to
15 Russia and help these allies and partners end their
16 reliance on Rosatom;

17 (3) to limit access of the Government of Russia
18 to revenue through the implementation of sanctions
19 and export controls against Rosatom; and

1 (4) to inhibit the Government of Russia from
2 using Rosatom as a tool of malign influence inter-
3 nationally.

4 **SEC. 1753. STRATEGY.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, and biannually there-
7 after for 4 years, the President shall submit to the appro-
8 priate congressional committees a strategy that contains
9 the contents described in subsection (b).

10 (b) CONTENTS DESCRIBED.—The contents of the
11 strategy required by subsection (a) shall include the fol-
12 lowing:

13 (1) A strategy to—

14 (A) replace Rosatom and other nuclear
15 suppliers of the Russian Federation with those
16 from the United States and United States allies
17 and partners;

18 (B) effect a permanent decoupling from
19 the Russian nuclear industry; and

20 (C) replace Rosatom as the primary entity
21 that can provide reactor safety, operation, and
22 overhaul services to the existing Rosatom and
23 Russian Federation designed and constructed
24 nuclear reactor fleet.

1 (2) A description of key vulnerabilities in the
2 infrastructure and supply chains of United States al-
3 lies and partners.

4 (3) A description of consultations carried out
5 with United States allies and partners in imple-
6 menting the sanctions required by section 1754.

7 (4) A description of proposed assistance by the
8 United States and United States' allies and partners
9 to the International Atomic Energy Agency's inter-
10 national low-enriched uranium fuel bank in
11 Kazakhstan.

12 (5) A description of efforts the United States
13 will take to ensure that foreign persons sanctioned
14 under this Act are not able to evade sanctions under
15 this Act by routing nuclear materials from Russia
16 through third-party vendors or entrepots.

17 (c) FORM.—The strategy required by subsection (a)
18 shall be submitted in unclassified form, but may contain
19 a classified annex.

20 **SEC. 1754. IMPOSITION OF SANCTIONS WITH RESPECT TO**
21 **ROSATOM.**

22 (a) SANCTIONS REQUIRED.—On and after the date
23 that is one year after the date of the enactment of this
24 Act, the President shall impose the sanctions described in
25 subsection (c) with respect to—

1 (1) Rosatom;

2 (2) any foreign person that knowingly engages
3 in any significant transaction for or related to con-
4 struction of any new nuclear reactor;

5 (3) any foreign person that is owned, controlled,
6 or directed by any foreign person described in para-
7 graph (1) or (2); or

8 (4) any foreign person who knowingly aids or
9 abets in the violation of United States sanctions by
10 any foreign person described in paragraph (1), (2),
11 or (3).

12 (b) SANCTIONS AUTHORIZED.—The President may
13 impose the sanctions described in subsection (c) on any
14 foreign person that has engaged in a significant trans-
15 action with, knowingly provided significant material sup-
16 port for, or acted or purported to act for or on behalf of,
17 directly or indirectly, any foreign person described in para-
18 graph (1) or (2) of subsection (a).

19 (c) SANCTIONS DESCRIBED.—The President shall ex-
20 ercise all of the powers granted by the International Emer-
21 gency Economic Powers Act (50 U.S.C. 1701 et seq.) to
22 the extent necessary to block and prohibit all transactions
23 in all property and interests in property of the foreign per-
24 son if such property and interests in property are in the
25 United States, come within the United States, or are or

1 come within the possession or control of a United States
2 person.

3 **SEC. 1755. PROHIBITIONS AND CONDITIONS WITH RESPECT**
4 **TO CERTAIN ACCOUNTS HELD BY FOREIGN**
5 **FINANCIAL INSTITUTIONS.**

6 (a) IN GENERAL.—The President shall prescribe reg-
7 ulations to prohibit, or impose strict conditions on, the
8 opening or maintaining in the United States of a cor-
9 respondent account or a payable-through account by a for-
10 eign financial institution that the President determines fa-
11 cilitates the activities of a foreign person described in
12 paragraph (1), (2), (3), or (4) of section 1754(a).

13 (b) DEFINITIONS.—In this section—

14 (1) the terms “account”, “correspondent ac-
15 count”, and “payable-through account” have the
16 meanings given those terms in section 5318A of title
17 31, United States Code; and

18 (2) the term “financial institution” means a fi-
19 nancial institution specified in subparagraph (A),
20 (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or
21 (Y) of section 5312(a)(2) of title 31, United States
22 Code.

23 **SEC. 1756. GENERAL PROVISIONS APPLICABLE TO SEC-**
24 **TIONS 1754 AND 1755.**

25 (a) WAIVERS.—

1 (1) IN GENERAL.—The President may, upon
2 certification to the appropriate congressional com-
3 mittees that such waiver is vital to the national secu-
4 rity interests of the United States, waive the appli-
5 cation of sanctions under section 1754 or 1755 for
6 a transaction or transactions with a United States
7 person, a foreign person, or a foreign financial insti-
8 tution (as the case may be) described under such
9 section—

10 (A) on a categorical basis for renewable
11 periods of 180 days until January 1, 2028; and

12 (B) on a case-by-case basis, for renewable
13 periods of 180 days, thereafter.

14 (2) TRANSACTIONS RELATING TO ACTIVITIES
15 NECESSARY TO THE PRODUCTION OF MEDICAL AND
16 INDUSTRIAL RADIOACTIVE AND STABLE ISOTOPES.—

17 (A) IN GENERAL.—The President may
18 waive the application of sanctions under section
19 1754 or 1755 for a transaction or transactions
20 with a United States person, a foreign person,
21 or a foreign financial institution (as the case
22 may be) described under such section for one
23 year, renewable for up to 10 years, if—

24 (i) the President determines that the
25 transaction relates to activities necessary

1 to the production of medical isotopes or in-
2 dustrial isotopes; and

3 (ii) the President certifies to the ap-
4 propriate congressional committees that—

5 (I) domestic medical isotope or
6 industrial isotope production is insuf-
7 ficient to meet United States patient
8 and industry requirements; and

9 (II) the United States is taking
10 measurable steps to establish medical
11 isotope or industrial isotope supply
12 chains that are not reliant on
13 Rosatom or other Russian source ma-
14 terial.

15 (B) DEFINITIONS.—In this paragraph—

16 (i) the term “industrial isotope”
17 means a radioactive or stable form of an
18 element that is used primarily for indus-
19 trial (non-medical) purposes; and

20 (ii) the term “medical isotope” means
21 a radioactive or stable form of an element
22 that is either administered directly into a
23 patient, is combined with a carrier mol-
24 ecule for diagnosis and treatment of dis-
25 ease, is used in the production of these iso-

1 topes, or is used primarily to sterilize med-
2 ical devices or pharmaceutical products.

3 (b) SPECIAL RULE.—

4 (1) IN GENERAL.—The President shall not be
5 required to impose sanctions under section 1754 or
6 1755 with regards to a foreign person or a foreign
7 financial institution (as the case may be) described
8 under paragraph (2), (3), or (4) of section 1754(a),
9 section 1754(b), or section 1755 if the President
10 certifies in writing to the appropriate congressional
11 committees that—

12 (A) the foreign person or foreign financial
13 institution—

14 (i) no longer meets the description of
15 a foreign person described in paragraph
16 (2), (3), or (4) of section 1754(a), section
17 1754(b), or section 1755; or

18 (ii) has taken and is continuing to
19 take significant verifiable steps toward no
20 longer meeting the description of a foreign
21 person described in paragraph (2), (3), or
22 (4) of section 1754(a), section 1754(b), or
23 section 1755; and

24 (B) the foreign person or foreign financial
25 institution has provided reliable assurances that

1 the foreign person or foreign financial institu-
2 tion will not reinstate activities that would
3 cause it to be described by paragraph (2), (3),
4 or (4) of section 1754(a) or section 1755, or
5 will continue to make progress toward termi-
6 nating such activities, as the case may be.

7 (2) CLARIFICATION OF APPLICABILITY.—The
8 authority described in paragraph (1) may apply to
9 contracts that—

10 (A) have entered into force prior to Feb-
11 ruary 24, 2022, and have not been extended or
12 renegotiated since their entry into force; and

13 (B) do not extend beyond January 1,
14 2028, for fuel and services.

15 (c) TERMINATION OF PRIMARY SANCTION.—The
16 President may terminate the sanctions provided for under
17 section 1754(a)(1) if, not less than 30 days prior to the
18 termination of such sanctions, the President certifies in
19 writing to the appropriate congressional committees
20 that—

21 (1) the Russian Federation has ceased hos-
22 tilities in Ukraine, has withdrawn all of its forces
23 from Ukraine’s internationally recognized territory,
24 and Ukraine’s territorial integrity is fully restored to

1 its internationally recognized borders as of January
2 1, 2014;

3 (2) Rosatom is not contributing to the misuse
4 of United States-origin nuclear material within
5 Zaporizhzhia Nuclear Power Plant;

6 (3) Russia, through Rosatom, is not using or
7 gaining any benefit of the proceeds from sales re-
8 lated to Rosatom to fund Russia's illegal occupation
9 of Ukraine or other territory;

10 (4) Russia is in full compliance with the Treaty
11 between the United States of America and the Rus-
12 sian Federation on Measures for the Further Reduc-
13 tion and Limitation of Strategic Offensive Arms;

14 (5) Russia has not conducted any yield pro-
15 ducing nuclear test in the 10-year period ending on
16 the date of the certification;

17 (6) Rosatom's transfer of nuclear materials and
18 assistance to third-party countries does not con-
19 tribute to any such country's nuclear weapons activ-
20 ity or illicit nuclear activity;

21 (7) Russia is not transferring nuclear material
22 or cooperating militarily with any country or coun-
23 tries in which the International Atomic Energy
24 Agency has an open investigation or that has with-

1 drawn from the Treaty on the Non-Proliferation of
2 Nuclear Weapons; and

3 (8) Russia has met its obligations under the
4 Plutonium Management and Disposition Agreement.

5 (d) NOTIFICATION.—The President shall notify the
6 appropriate congressional committees not later than 15
7 days prior to the issuance of a waiver under paragraph
8 (1)(A) of subsection (a) and not later than 15 days after
9 the issuance of a waiver under paragraph (1)(B) of sub-
10 section (a).

11 (e) EXCEPTIONS.—Sanctions described under section
12 1754 or 1755 shall not apply to—

13 (1) authorized intelligence, law enforcement, or
14 national security activities of the United States;

15 (2) activities that are for the conduct of the of-
16 ficial business of the United Nations, its specialized
17 agencies, programs, funds, and related organizations
18 by employees, contractors, or grantees of such agen-
19 cies, programs, and funds;

20 (3) any activities that are required for the safe
21 operation of nuclear reactors including critical reac-
22 tor safety, safeguards, and security, in which there
23 are no alternative suppliers; or

1 (4) humanitarian assistance or the transpor-
2 tation of goods that are necessary to carry out hu-
3 manitarian assistance.

4 (f) IMPLEMENTATION; PENALTIES.—

5 (1) IMPLEMENTATION.—The President may ex-
6 ercise all authorities provided to the President under
7 sections 203 and 205 of the International Emer-
8 gency Economic Powers Act (50 U.S.C. 1702 and
9 1704) to carry out sections 1754, 1755, and 1756
10 if the President notifies Congress not later than 5
11 days prior to the issuance of a license relating to
12 such exercise of authorities.

13 (2) PENALTIES.—The penalties provided for in
14 subsections (b) and (c) of section 206 of the Inter-
15 national Emergency Economic Powers Act (50
16 U.S.C. 1705) shall apply to a person that violates,
17 attempts to violate, conspires to violate, or causes a
18 violation of regulations promulgated under sub-
19 section (g) to carry out section 1754, 1755, or 1756
20 to the same extent that such penalties apply to a
21 person that commits an unlawful act described in
22 section 206(a) of that Act.

23 (g) REGULATORY AUTHORITY.—Not later than 180
24 days after the date of the enactment of this Act, the Presi-

1 dent shall promulgate regulations as necessary for the im-
2 plementation of sections 1754, 1755, and 1756.

3 **SEC. 1757. CONGRESSIONAL OVERSIGHT OF CERTAIN SANC-**
4 **TIONS IMPOSED WITH RESPECT TO THE RUS-**
5 **SIAN FEDERATION.**

6 (a) IN GENERAL.—Not later than 60 days after re-
7 ceiving a request from the chairman and ranking member
8 of one of the appropriate congressional committees with
9 respect to whether a person meets the criteria of a foreign
10 person described in paragraph (2), (3), (4) or (5) of sec-
11 tion 1754(a) or a foreign financial institution described
12 in section 1755(a), as the case may be, or is violating or
13 has violated a covered regulation, the President shall—

14 (1) determine if the person, meets such criteria;

15 and

16 (2) submit a classified or unclassified report to
17 such chairman and ranking member with respect to
18 such determination that includes a statement of
19 whether or not the President imposed or intends to
20 impose sanctions with respect to such person.

21 (b) COVERED REGULATION DEFINED.—The term
22 “covered regulation” means—

23 (1) part 587 of title 31, Code of Federal Regu-
24 lations (Russia Harmful Foreign Activities Sanc-
25 tions Regulations); or

1 (2) part 589 of title 31 Code of Federal Regu-
2 lations (Ukraine/Russia-Related Sanctions Regula-
3 tions).

4 **SEC. 1758. STATEMENT OF POLICY REGARDING THE RUSSIA**
5 **“123 AGREEMENT” AND REQUIRED REPORTS.**

6 (a) STATEMENT OF POLICY.—It is the policy of the
7 United States that any agreement entered into pursuant
8 to section 123 of the Atomic Energy Act of 1954 (42
9 U.S.C. 2153), should be in the national security interest
10 of the United States and advance non-proliferation prin-
11 ciples and the safe operation of nuclear reactors.

12 (b) REPORT REQUIRED.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary
15 of State shall submit to the appropriate congress-
16 sional committees a report on the Agreement be-
17 tween the Government of the United States of
18 America and the Government of the Russian Fed-
19 eration for Cooperation in the Field of Peaceful
20 Uses of Nuclear Energy, entered into on January
21 11, 2011, pursuant to section 123 of the Atomic En-
22 ergy Act of 1954 (42 U.S.C. 2153) and how remain-
23 ing in the agreement or agreements with other
24 states, including the People’s Republic of China, is

1 beneficial to the United States national security in-
2 terest and non-proliferation objectives.

3 (2) CONTENTS OF REPORT.—The report re-
4 quired by paragraph (1) shall include assessments
5 and detailed descriptions of the following:

6 (A) The extent to which Rosatom, its sub-
7 sidiaries or any agent of the Russian Federa-
8 tion is contributing or has contributed to the
9 misuse of United States-origin or deemed nu-
10 clear material within Zaporizhzhia Nuclear
11 Power Plant.

12 (B) The extent to which Russia, through
13 Rosatom and its subsidiaries, is using or gain-
14 ing any benefit of the proceeds from sales re-
15 lated to Rosatom to fund Russia's illegal occu-
16 pation of Ukraine or other territory.

17 (C) The extent to which Russia has con-
18 ducted any yield producing nuclear test in the
19 10-year period ending on the date of the certifi-
20 cation.

21 (D) The extent to which Rosatom's trans-
22 fer of nuclear materials and assistance to third
23 countries contributes to any such third party
24 country's nuclear weapons activity or illicit nu-
25 clear activity.

1 (E) The extent to which Russia is transfer-
2 ring nuclear material or cooperating militarily
3 with a country or countries in which the Inter-
4 national Atomic Energy Agency has an open in-
5 vestigation or has withdrawn from the Treaty
6 on the Non-Proliferation of Nuclear Weapons.

7 (F) The extent to which Russia has met its
8 obligations under the Plutonium Management
9 and Disposition Agreement.

10 (G) The extent to which Rosatom, its sub-
11 sidiaries, or any agent of the Russian Federa-
12 tion is contributing to the People's Republic of
13 China's destabilizing and dangerous nuclear
14 weapons expansion.

15 (H) The extent to which Rosatom or its
16 subsidiaries is using funds received from com-
17 mercial transactions to support, both financially
18 or materially, their contribution to the nuclear
19 weapons program of the Russian Federation.

20 (I) The steps necessary to withdraw the
21 United States from the Agreement between the
22 Government of the United States of America
23 and the Government of the Russian Federation
24 for Cooperation in the Field of Peaceful Uses of
25 Nuclear Energy.

1 (J) The effects of withdrawing the United
2 States from the Agreement between the Govern-
3 ment of the United States of America and the
4 Government of the Russian Federation for Co-
5 operation in the Field of Peaceful Uses of Nu-
6 clear Energy.

7 (c) **ADDITIONAL REPORT REQUIRED.**—Not later
8 than 90 days after the date of the enactment of this Act,
9 the Secretary of Defense, in coordination with the Director
10 of National Intelligence, the Secretary of State, and the
11 Director of Central Intelligence, shall submit to Congress
12 a report on Rosatom’s direct and indirect assistance to
13 the military nuclear programs of the Russian Federation,
14 the People’s Republic of China, the Islamic Republic of
15 Iran, and the Democratic People’s Republic of Korea.

16 **SEC. 1759. DEFINITIONS.**

17 In this subtitle:

18 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
19 **TEES.**—The term “appropriate congressional com-
20 mittees” means—

21 (A) the Committee on Foreign Affairs and
22 the Committee on Armed Services of the House
23 of Representatives; and

1 (B) the Committee on Foreign Relations
2 and the Committee of Armed Services of the
3 Senate.

4 (2) FOREIGN PERSON.—The term “foreign per-
5 son” means—

6 (A) an individual who is not a United
7 States citizen or an alien lawfully admitted for
8 permanent residence to the United States; or

9 (B) an entity that is not a United States
10 person.

11 (3) ROSATOM.—The term “Rosatom” means—

12 (A) the Rosatom State Nuclear Energy
13 Corporation of the Russian Federation or any
14 subsidiary thereof;

15 (B) any entity owned or controlled by the
16 entities described in subparagraph (A); or

17 (C) any successor entity or subsidiary of
18 any entity described in subparagraphs (A) or
19 (B).

20 (4) UNITED STATES PERSON.—The term
21 “United States person” means—

22 (A) a United States citizen or an alien law-
23 fully admitted for permanent residence to the
24 United States;

1 (B) an entity organized under the laws of
2 the United States or of any jurisdiction of the
3 United States, including a foreign branch of
4 such an entity; or

5 (C) a person in the United States.

6 (5) NEW NUCLEAR REACTOR.—The term “new
7 nuclear reactor” means a nuclear reactor that has
8 not entered into commercial operations as of the
9 date of the enactment of this Act.

