

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8046
OFFERED BY MR. WILSON OF SOUTH CAROLINA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Rosatom Sanctions
3 Enforcement Act”.

4 SEC. 2. STATEMENT OF POLICY.

5 It shall be the policy of the United States—

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

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

15 (3) to limit access of the Government of Russia
16 to revenue through the implementation of sanctions
17 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. 3. 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 4.

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. 4. 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. 5. PROHIBITIONS AND CONDITIONS WITH RESPECT TO**
4 **CERTAIN ACCOUNTS HELD BY FOREIGN FI-**
5 **NANCIAL 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 4(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. 6. GENERAL PROVISIONS APPLICABLE TO SECTIONS 4**
24 **AND 5.**

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 4 or 5 for a trans-
6 action or transactions with a United States person,
7 a foreign person, or a foreign financial institution
8 (as the case may be) described under such section—

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

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

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

16 (A) IN GENERAL.—The President may
17 waive the application of sanctions under section
18 4 or 5 for a transaction or transactions with a
19 United States person, a foreign person, or a
20 foreign financial institution (as the case may
21 be) described under such section for one year,
22 renewable for up to 10 years, if—

23 (i) the President determines that the
24 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 4 or 5
6 with regards to a foreign person or a foreign finan-
7 cial institution (as the case may be) described under
8 paragraph (2), (3), or (4) of section 4(a), section
9 4(b), or section 5 if the President certifies in writing
10 to the appropriate congressional committees that—

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

13 (i) no longer meets the description of
14 a foreign person described in paragraph
15 (2), (3), or (4) of section 4(a), section
16 4(b), or section 5; or

17 (ii) has taken and is continuing to
18 take significant verifiable steps toward no
19 longer meeting the description of a foreign
20 person described in paragraph (2), (3), or
21 (4) of section 4(a), section 4(b), or section
22 5; and

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

1 tion will not reinstate activities that would
2 cause it to be described by paragraph (2), (3),
3 or (4) of section 4(a) or section 5, or will con-
4 tinue to make progress toward terminating such
5 activities, as the case may be.

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

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

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

14 (c) TERMINATION OF PRIMARY SANCTION.—The
15 President may terminate the sanctions provided for under
16 section 4(a)(1) if, not less than 30 days prior to the termi-
17 nation of such sanctions, the President certifies in writing
18 to the appropriate congressional committees that—

19 (1) the Russian Federation has ceased hos-
20 tilities in Ukraine, has withdrawn all of its forces
21 from Ukraine’s internationally recognized territory,
22 and Ukraine’s territorial integrity is fully restored to
23 its internationally recognized borders as of January
24 1, 2014;

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

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

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

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

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

19 (7) Russia is not transferring nuclear material
20 or cooperating militarily with any country or coun-
21 tries in which the International Atomic Energy
22 Agency has an open investigation or that has with-
23 drawn from the Treaty on the Non-Proliferation of
24 Nuclear Weapons; and

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

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

9 (e) EXCEPTIONS.—Sanctions described under section
10 4 or 5 shall not apply to—

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

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

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

22 (4) humanitarian assistance or the transpor-
23 tation of goods that are necessary to carry out hu-
24 manitarian assistance.

25 (f) IMPLEMENTATION; PENALTIES.—

1 (1) IMPLEMENTATION.—The President may ex-
2 ercise all authorities provided to the President under
3 sections 203 and 205 of the International Emer-
4 gency Economic Powers Act (50 U.S.C. 1702 and
5 1704) to carry out sections 4, 5, and 6 if the Presi-
6 dent notifies Congress not later than 5 days prior to
7 the issuance of a license relating to such exercise of
8 authorities.

9 (2) PENALTIES.—The penalties provided for in
10 subsections (b) and (c) of section 206 of the Inter-
11 national Emergency Economic Powers Act (50
12 U.S.C. 1705) shall apply to a person that violates,
13 attempts to violate, conspires to violate, or causes a
14 violation of regulations promulgated under sub-
15 section (g) to carry out section 4, 5, or 6 to the
16 same extent that such penalties apply to a person
17 that commits an unlawful act described in section
18 206(a) of that Act.

19 (g) REGULATORY AUTHORITY.—Not later than 180
20 days after the date of the enactment of this Act, the Presi-
21 dent shall promulgate regulations as necessary for the im-
22 plementation of sections 4, 5, and 6.

1 **SEC. 7. CONGRESSIONAL OVERSIGHT OF CERTAIN SANC-**
2 **TIONS IMPOSED WITH RESPECT TO THE RUS-**
3 **SIAN FEDERATION.**

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

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

13 and

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

19 (b) COVERED REGULATION DEFINED.—The term
20 “covered regulation” means—

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

24 (2) part 589 of title 31 Code of Federal Regu-
25 lations (Ukraine/Russia-Related Sanctions Regu-
26 tions).

1 **SEC. 8. STATEMENT OF POLICY REGARDING THE RUSSIA**
2 **“123 AGREEMENT” AND REQUIRED REPORT.**

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

9 (b) REPORT REQUIRED.—

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

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

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

7 (B) The extent to which Russia, through
8 Rosatom and its subsidiaries , is using or gain-
9 ing any benefit of the proceeds from sales re-
10 lated to Rosatom to fund Russia's illegal occu-
11 pation of Ukraine or other territory.

12 (C) The extent to which Russia has con-
13 ducted any yield producing nuclear test in the
14 10-year period ending on the date of the certifi-
15 cation.

16 (D) The extent to which Rosatom's trans-
17 fer of nuclear materials and assistance to third
18 countries contributes to any such third party
19 country's nuclear weapons activity or illicit nu-
20 clear activity.

21 (E) The extent to which Russia is transfer-
22 ring nuclear material or cooperating militarily
23 with a country or countries in which the Inter-
24 national Atomic Energy Agency has an open in-

1 vestigation or has withdrawn from the Treaty
2 on the Non-Proliferation of Nuclear Weapons.

3 (F) The extent to which Russia has met its
4 obligations under the Plutonium Management
5 and Disposition Agreement.

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

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

16 (I) The steps necessary to withdraw the
17 United States from the Agreement between the
18 Government of the United States of America
19 and the Government of the Russian Federation
20 for Cooperation in the Field of Peaceful Uses of
21 Nuclear Energy.

22 (J) The effects of withdrawing the United
23 States from the Agreement between the Govern-
24 ment of the United States of America and the
25 Government of the Russian Federation for Co-

1 operation in the Field of Peaceful Uses of Nu-
2 clear Energy.

3 **SEC. 9. DEFINITIONS.**

4 In this Act:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Foreign Affairs of
9 the House of Representatives; and

10 (B) the Committee on Foreign Relations of
11 the Senate.

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

14 (A) an individual who is not a United
15 States citizen or an alien lawfully admitted for
16 permanent residence to the United States; or

17 (B) an entity that is not a United States
18 person.

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

20 (A) the Rosatom State Nuclear Energy
21 Corporation of the Russian Federation or any
22 subsidiary thereof;

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

1 (C) any successor entity or subsidiary of
2 any entity described in subparagraphs (A) or
3 (B).

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

6 (A) a United States citizen or an alien law-
7 fully admitted for permanent residence to the
8 United States;

9 (B) an entity organized under the laws of
10 the United States or of any jurisdiction of the
11 United States, including a foreign branch of
12 such an entity; or

13 (C) a person in the United States.

14 (5) NEW NUCLEAR REACTOR.—The term “new
15 nuclear reactor” means a nuclear reactor that has
16 not entered into commercial operations as of the
17 date of the enactment of this Act.

