

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2194  
OFFERED BY MR. BERMAN OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Iran Refined Petro-  
3 leum Sanctions Act of 2009”.

**4 SEC. 2. FINDINGS; SENSE OF CONGRESS; STATEMENT OF  
5 POLICY.**

6       (a) FINDINGS.—Congress finds the following:

7           (1) The illicit nuclear activities of the Govern-  
8 ment of Iran—combined with its development of un-  
9 conventional weapons and ballistic missiles, and sup-  
10 port for international terrorism—represent a serious  
11 threat to the security of the United States and U.S.  
12 allies in Europe, the Middle East, and around the  
13 world.

14           (2) The United States and other responsible na-  
15 tions have a vital interest in working together to  
16 prevent the Government of Iran from acquiring a  
17 nuclear weapons capability.

1           (3) The International Atomic Energy Agency  
2           has repeatedly called attention to Iran's unlawful  
3           nuclear activities, and, as a result, the United Na-  
4           tions Security Council has adopted a range of sanc-  
5           tions designed to encourage the Government of Iran  
6           to suspend those activities and comply with its obli-  
7           gations under the Treaty on the Non-Proliferation of  
8           Nuclear Weapons (commonly known as the "Nuclear  
9           Non-Proliferation Treaty").

10           (4) As a presidential candidate, then-Senator  
11           Obama stated that additional sanctions, especially  
12           those targeting Iran's dependence on imported re-  
13           fined petroleum, may help to persuade the Govern-  
14           ment of Iran to abandon its illicit nuclear activities.

15           (5) On October 7, 2008, then-Senator Obama  
16           stated, "Iran right now imports gasoline, even  
17           though it's an oil producer, because its oil infra-  
18           structure has broken down. If we can prevent them  
19           from importing the gasoline that they need and the  
20           refined petroleum products, that starts changing  
21           their cost-benefit analysis. That starts putting the  
22           squeeze on them."

23           (6) On June 4, 2008, then-Senator Obama  
24           stated, "We should work with Europe, Japan, and  
25           the Gulf states to find every avenue outside the U.N.

1 to isolate the Iranian regime—from cutting off loan  
2 guarantees and expanding financial sanctions, to  
3 banning the export of refined petroleum to Iran.”.

4 (7) Major European allies, including the United  
5 Kingdom, France, and Germany, have advocated  
6 that sanctions be significantly toughened should  
7 international diplomatic efforts fail to achieve  
8 verifiable suspension of Iran’s uranium enrichment  
9 program and an end to its nuclear weapons program  
10 and other illicit nuclear activities.

11 (8) The serious and urgent nature of the threat  
12 from Iran demands that the United States work to-  
13 gether with U.S. allies to do everything possible—  
14 diplomatically, politically, and economically—to pre-  
15 vent Iran from acquiring a nuclear weapons capa-  
16 bility.

17 (9) The human rights situation in Iran has  
18 steadily deteriorated in 2009, as punctuated by the  
19 transparent fraud that occurred on June 12, the  
20 brutal repression and murder, arbitrary arrests, and  
21 show trials of peaceful dissidents, and ongoing sup-  
22 pression of freedom of expression.

23 (b) SENSE OF CONGRESS.—It is the sense of the  
24 Congress that—

1           (1) international diplomatic efforts to address  
2           Iran's illicit nuclear efforts, unconventional and bal-  
3           listic missile development programs, and support for  
4           international terrorism are more likely to be effective  
5           if the President is empowered with the explicit au-  
6           thority to impose additional sanctions on the Gov-  
7           ernment of Iran;

8           (2) the concerns of the United States regarding  
9           Iran are strictly the result of the actions of the Gov-  
10          ernment of Iran;

11          (3) the revelation in September 2009 that Iran  
12          is developing a secret uranium enrichment site on an  
13          Islamic Revolutionary Guard Corps base near Qom,  
14          which appears to have no civilian application, high-  
15          lights the urgency for Iran to fully disclose the full  
16          nature of its nuclear program, including any other  
17          secret locations, and provide the International Atom-  
18          ic Energy Agency (IAEA) unfettered access to its  
19          facilities pursuant to Iran's legal obligations under  
20          the Treaty on the Non-Proliferation of Nuclear  
21          Weapons and Iran's Safeguards Agreement with the  
22          IAEA;

23          (4) because of its involvement in Iran's nuclear  
24          program and other destabilizing activities, the Presi-  
25          dent should impose sanctions, including the full

1 range of sanctions otherwise applicable to Iran, on  
2 any individual or entity that is an agent, alias, front,  
3 instrumentality, representative, official, or affiliate  
4 of the Islamic Revolutionary Guard Corps or is an  
5 individual serving as a representative of the Islamic  
6 Revolutionary Guard Corps, or on any person that  
7 has conducted any commercial transaction or finan-  
8 cial transaction with such entities;

9 (5) Government to Government agreements  
10 with Iran to provide the regime with refined petro-  
11 leum products, such as the September 2009 agree-  
12 ment under which the Government of Venezuela  
13 committed to provide 20,000 barrels of gasoline per  
14 day to Iran, undermine efforts to pressure Iran to  
15 suspend its nuclear weapons program and cease all  
16 enrichment activities; and

17 (6) the people of the United States—

18 (A) have feelings of friendship for the peo-  
19 ple of Iran; and

20 (B) hold the people of Iran, their culture,  
21 and their ancient and rich history in the highest  
22 esteem.

23 (c) STATEMENT OF POLICY.—It shall be the policy  
24 of the United States—

1           (1) to prevent Iran from achieving the capa-  
2           bility to make nuclear weapons, including by sup-  
3           porting international diplomatic efforts to halt Iran's  
4           uranium enrichment program;

5           (2) to fully implement and enforce the Iran  
6           Sanctions Act of 1996 as a means of encouraging  
7           foreign governments to—

8                   (A) direct state-owned entities to cease all  
9                   investment in, and support of, Iran's energy  
10                  sector and all exports of refined petroleum  
11                  products to Iran; and

12                   (B) require private entities based in their  
13                  territories to cease all investment in, and sup-  
14                  port of, Iran's energy sector and all exports of  
15                  refined petroleum products to Iran;

16           (3) to impose sanctions on—

17                   (A) the Central Bank of Iran, and any  
18                  other financial institution in Iran that is en-  
19                  gaged in proliferation activities or support of  
20                  terrorist groups, and

21                   (B) any other financial institution that  
22                  conducts financial transactions with the Central  
23                  Bank of Iran or with another financial institu-  
24                  tion described in subparagraph (A),

1 including through the use of Executive Orders  
2 13224, 13382, and 13438 and United Nations Security  
3 Council Resolutions 1737, 1747, 1803, and  
4 1835;

5 (4) to persuade the allies of the United States  
6 and other countries to take appropriate measures to  
7 deny access to the international financial system by  
8 Iranian banks and financial institutions involved in  
9 proliferation activities or support of terrorist groups;

10 (5) to support all Iranian citizens who embrace  
11 the values of freedom, human rights, civil liberties,  
12 and the rule of law; and

13 (6) for the Secretary of State to make every ef-  
14 fort to assist United States citizens held hostage in  
15 Iran at any time during the period beginning on No-  
16 vember 4, 1979 and ending on January 20, 1981,  
17 and their survivors in matters of compensation re-  
18 lated to such citizens' detention.

19 **SEC. 3. AMENDMENTS TO THE IRAN SANCTIONS ACT OF**  
20 **1996.**

21 (a) EXPANSION OF SANCTIONS.—Section 5(a) of the  
22 Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is  
23 amended to read as follows:

1           “(a) SANCTIONS WITH RESPECT TO THE DEVELOP-  
2   MENT OF PETROLEUM RESOURCES OF IRAN AND EXPOR-  
3   TATION OF REFINED PETROLEUM TO IRAN.—

4           “(1) DEVELOPMENT OF PETROLEUM RE-  
5   SOURCES OF IRAN.—

6           “(A) INVESTMENT.—Except as provided in  
7   subsection (f), the President shall impose 2 or  
8   more of the sanctions described in paragraphs  
9   (1) through (6) of section 6(a) if the President  
10   determines that a person has knowingly, on or  
11   after the date of the enactment of this Act,  
12   made an investment of \$20,000,000 or more (or  
13   any combination of investments of at least  
14   \$5,000,000 each, which in the aggregate equals  
15   or exceeds \$20,000,000 in any 12-month pe-  
16   riod), that directly and significantly contributed  
17   to the enhancement of Iran’s ability to develop  
18   petroleum resources of Iran.

19           “(B) PRODUCTION OF REFINED PETRO-  
20   LEUM PRODUCTS.—Except as provided in sub-  
21   section (f), the President shall impose the sanc-  
22   tions described in section 6(b) if the President  
23   determines that a person knowingly sells,  
24   leases, or provides to Iran any goods, services,  
25   technology, information, or support, or enters



1           into a contract to sell, lease, or provide to Iran  
2           any goods, services, technology, information, or  
3           support, that would allow Iran to maintain or  
4           expand its domestic production of refined petro-  
5           leum products, including any assistance in the  
6           construction, modernization, or repair of refin-  
7           eries that make refined petroleum products,  
8           if—

9                   “(i) the value of the goods, services,  
10                   technology, information, or support pro-  
11                   vided in such sale, lease, or provision, or to  
12                   be provided in such contract, exceeds  
13                   \$200,000; or

14                   “(ii) the value of the goods, services,  
15                   technology, information, or support pro-  
16                   vided in any combination of such sales,  
17                   leases, or provision in any 12-month pe-  
18                   riod, or to be provided under contracts en-  
19                   tered into in any 12-month period, exceeds  
20                   \$500,000.

21                   “(2) EXPORTATION OF REFINED PETROLEUM  
22                   PRODUCTS TO IRAN.—

23                   “(A) IN GENERAL.—Except as provided in  
24                   subsection (f), the President shall impose the  
25                   sanctions described in section 6(b) if the Presi-

1           dent determines that a person knowingly pro-  
2           vides Iran with refined petroleum products or  
3           engages in any of the activities described in  
4           subparagraph (B), if—

5                   “(i) the value of such products or of  
6                   the goods, services, technology, informa-  
7                   tion, or support provided or to be provided  
8                   in connection with such activity exceeds  
9                   \$200,000; or

10                   “(ii) the value of such products, or of  
11                   the goods, services, technology, informa-  
12                   tion, or support, provided or to be provided  
13                   in connection with any combination of pro-  
14                   viding such products or such activities, in  
15                   any 12-month period exceeds \$500,000.

16                   “(B) ACTIVITIES DESCRIBED.—The activi-  
17                   ties referred to in subparagraph (A) are the fol-  
18                   lowing:

19                   “(i) Providing ships, vehicles, or other  
20                   means of transportation to deliver refined  
21                   petroleum products to Iran, or providing  
22                   services relating to the shipping or other  
23                   transportation of refined petroleum prod-  
24                   ucts to Iran.

1                   “(ii) Underwriting or otherwise pro-  
2                   viding insurance or reinsurance for an ac-  
3                   tivity described in clause (i).

4                   “(iii) Financing or brokering an activ-  
5                   ity describe in clause (ii).”.

6           (b) DESCRIPTION OF SANCTIONS.—Section 6 of such  
7 Act is amended—

8                   (1) by striking “The sanctions to be imposed on  
9                   a sanctioned person under section 5 are as follows:”  
10                  and inserting the following:

11               “(a) IN GENERAL.—The sanctions to be imposed on  
12 a sanctioned person under subsections (a)(1)(A) and  
13 (b)(1) of section 5 are as follows:”;

14                   (2) in paragraph (4), by striking “section 5”  
15                   each place it appears and inserting “subsections  
16                   (a)(1)(A) and (b) of section 5”; and

17                   (3) by adding at the end the following:

18               “(b) ADDITIONAL MANDATORY SANCTIONS.—The  
19 sanctions to be imposed on a sanctioned person under  
20 paragraphs (1)(B) and (2) of section 5(a) are as follows:

21                   “(1) FOREIGN EXCHANGE.—The President  
22                   shall prohibit any transactions in foreign exchange  
23                   by the sanctioned person.

24                   “(2) BANKING TRANSACTIONS.—The President  
25                   shall prohibit any transfers of credit or payments be-

1       tween, by, through, or to any financial institution, to  
2       the extent that such transfers or payments involve  
3       any interest of the sanctioned person.

4           “(3) PROPERTY TRANSACTIONS.—The Presi-  
5       dent shall prohibit any acquisition, holding, with-  
6       holding, use, transfer, withdrawal, transportation,  
7       importation, or exportation of, dealing in, or exer-  
8       cising any right, power, or privilege with respect to,  
9       or transactions involving, any property in which the  
10      sanctioned person has any interest by any person, or  
11      with respect to any property, subject to the jurisdic-  
12      tion of the United States.

13          “(c) ADDITIONAL MEASURE RELATING TO REFINED  
14      PETROLEUM PRODUCTS.—

15           “(1) IN GENERAL.—The head of each executive  
16      agency shall ensure that each contract with a person  
17      entered into by such executive agency for the pro-  
18      curement of goods or services, or agreement for the  
19      use of Federal funds as part of a grant, loan, or  
20      loan guarantee to a person, includes a clause that  
21      requires the person to certify to the contracting offi-  
22      cer or other appropriate official of such agency that  
23      the person does not conduct any activity described in  
24      paragraph (1)(B) or (2) of section 5(a).

25           “(2) REMEDIES.—

1           “(A) IN GENERAL.—If the head of the ex-  
2           ecutive agency determines that such person has  
3           submitted a false certification under paragraph  
4           (1) after the date on which the Federal Acquisi-  
5           tion Regulation is revised to implement the re-  
6           quirements of this subsection, the head of an  
7           executive agency may terminate a contract, or  
8           agreement described in paragraph (1), with  
9           such person or debar or suspend such person  
10          from eligibility for Federal contracts or such  
11          agreements for a period not to exceed 15 years.

12          “(B) INCLUSION ON LIST OF PARTIES EX-  
13          CLUDED FROM FEDERAL PROCUREMENT AND  
14          NONPROCUREMENT PROGRAMS.—The Adminis-  
15          trator of General Services shall include on the  
16          List of Parties Excluded from Federal Procure-  
17          ment and Nonprocurement Programs main-  
18          tained by the Administrator under part 9 of the  
19          Federal Acquisition Regulation issued under  
20          section 25 of the Office of Federal Procurement  
21          Policy Act (41 U.S.C. 421) each person that is  
22          debarred, suspended, proposed for debarment or  
23          suspension, or declared ineligible by the head of  
24          an executive agency on the basis of a deter-

1           mination of a false certification under subpara-  
2           graph (A).

3           “(C) RULE OF CONSTRUCTION.—This sub-  
4           section shall not be construed to limit the use  
5           of other remedies available to the head of an ex-  
6           ecutive agency or any other official of the Fed-  
7           eral Government on the basis of a determina-  
8           tion of a false certification under paragraph  
9           (1).

10          “(3) IMPLEMENTATION THROUGH THE FED-  
11          ERAL ACQUISITION REGULATION.—Not later than  
12          120 days after the date of the enactment of the Iran  
13          Refined Petroleum Sanctions Act of 2009, the Fed-  
14          eral Acquisition Regulation issued pursuant to sec-  
15          tion 25 of the Office of Federal Procurement Policy  
16          Act (41 U.S.C. 421) shall be revised to provide for  
17          the implementation of the requirements of this sub-  
18          section.”.

19          (c) ADDITIONAL MANDATORY SANCTIONS RELATING  
20          TO TRANSFER OF NUCLEAR TECHNOLOGY.—Section 5(b)  
21          of the Iran Sanctions Act of 1996 is amended—

22                 (1) by redesignating paragraphs (1) and (2) as  
23                 subparagraphs (A) and (B), respectively, and mov-  
24                 ing such paragraphs 2 ems to the right;

1           (2) by striking “The President shall impose”  
2           and inserting the following:

3           “(1) IN GENERAL.—The President shall im-  
4           pose”;

5           (3) by striking “section 6” and inserting “sec-  
6           tion 6(a)”;

7           (4) by adding at the end the following:

8           “(2) ADDITIONAL SANCTION.—

9           “(A) RESTRICTION.—In any case in which  
10           a person is subject to sanctions under para-  
11           graph (1) because of an activity described in  
12           such paragraph that relates to the acquisition  
13           or development of nuclear weapons or related  
14           technology or of missiles or other advanced con-  
15           ventional weapons that are capable of delivering  
16           a nuclear weapon, then notwithstanding any  
17           other provision of law, the following measures  
18           shall apply with respect to the country that has  
19           jurisdiction over such person, unless the Presi-  
20           dent determines and notifies the appropriate  
21           congressional committees that the government  
22           of such country has taken, or is taking, effec-  
23           tive actions to penalize such person and to pre-  
24           vent a reoccurrence of such activity in the fu-  
25           ture:

1           “(i) No agreement for cooperation be-  
2           tween the United States and the govern-  
3           ment of such country may be submitted to  
4           the President or to Congress pursuant to  
5           section 123 of the Atomic Energy Act of  
6           1954 (42 U.S.C. 2153), or may enter into  
7           force.

8           “(ii) No license may be issued for the  
9           export, and no approval may be given for  
10          the transfer or retransfer, directly or indi-  
11          rectly, to such country of any nuclear ma-  
12          terial, facilities, components, or other  
13          goods, services, or technology that would  
14          be subject to an agreement to cooperation.

15          “(B) CONSTRUCTION.—The restrictions in  
16          subparagraph (A) shall apply in addition to all  
17          other applicable procedures, requirements, and  
18          restrictions contained in the Atomic Energy Act  
19          of 1954 and other laws.

20          “(C) DEFINITION.—In this paragraph, the  
21          term ‘agreement for cooperation’ has the mean-  
22          ing given that term in section 11 b. of the  
23          Atomic Energy Act of 1954 (42 U.S.C.  
24          2014(b)).”.



1 (d) STRENGTHENING OF WAIVER AUTHORITY AND  
2 SANCTIONS IMPLEMENTATION.—

3 (1) INVESTIGATIONS.—Section 4(f) of the Iran  
4 Sanctions Act of 1996 (50 U.S.C. 1701 note) is  
5 amended—

6 (A) in paragraph (1)—

7 (i) by striking “should initiate” and  
8 inserting “shall immediately initiate”;

9 (ii) by inserting “or 5(b)” after “sec-  
10 tion 5(a)”;

11 (iii) by striking “as described in such  
12 section” and inserting “as described in sec-  
13 tion 5(a)(1) or other activity described in  
14 section 5(a)(2) or 5(b) (as the case may  
15 be)”;

16 (B) in paragraph (2), by striking “should  
17 determine, pursuant to section 5(a), if a person  
18 has engaged in investment activity in Iran as  
19 described in such section” and inserting “shall  
20 determine, pursuant to section 5(a) or (b) (as  
21 the case may be), if a person has engaged in in-  
22 vestment activity in Iran as described in section  
23 5(a)(1) or other activity described in section  
24 5(a)(2) or 5(b) (as the case may be)”.

1           (2) GENERAL WAIVER AUTHORITY.—Section  
2           9(c) of the Iran Sanctions Act of 1996 (50 U.S.C.  
3           1701 note) is amended—

4                   (A) in paragraph (1)—

5                           (i) by inserting after “on a person de-  
6                           scribed in section 5(c),” the following: “or  
7                           on a country described in section  
8                           5(b)(2)(A) (if the President certifies to the  
9                           appropriate congressional committees that  
10                          the President is unable to make the deter-  
11                          mination described in such section  
12                          5(b)(2)(A)),”; and

13                          (ii) by striking “important to the na-  
14                          tional interest of the United States” and  
15                          inserting “vital to the national security in-  
16                          terest of the United States”; and

17                   (B) in paragraph (2)—

18                           (i) in subparagraphs (A), (B), and  
19                           (D), by striking “or (b)” each place it ap-  
20                           pears and inserting “or (b)(1)”; and

21                           (ii) by amending subparagraph (C) to  
22                           read as follows:

23                                   “(C) an estimate of the significance of the  
24                           provision of the items described in paragraph  
25                           (1) or (2) of section 5(a) or section 5(b)(1) to

1           Iran’s ability to develop its petroleum resources,  
2           to maintain or expand its domestic production  
3           of refined petroleum products, to import refined  
4           petroleum products, or to develop its weapons  
5           of mass destruction or other military capabili-  
6           ties (as the case may be); and”.

7           (e) REPORTS ON UNITED STATES EFFORTS TO CUR-  
8   TAIL CERTAIN BUSINESS AND OTHER TRANSACTIONS RE-  
9   LATING TO IRAN.—Section 10 of such Act is amended—

10           (1) in subsection (a), by amending paragraph  
11           (4) to read as follows:

12           “(4) Iran’s use in the Middle East, the Western  
13           Hemisphere, Africa, and other regions, of Iranian  
14           diplomats and representatives of other government  
15           and military or quasi-governmental institutions or  
16           proxies of Iran, including, but not limited to,  
17           Hezbollah, to promote acts of international terrorism  
18           or to develop or sustain Iran’s nuclear, chemical, bi-  
19           ological and missile weapons programs.”; and

20           (2) by adding at the end the following:

21           “(d) REPORTS ON CERTAIN BUSINESS AND OTHER  
22   TRANSACTIONS RELATING TO IRAN.—

23           “(1) IN GENERAL.—Not later than 90 days  
24           after the date of the enactment of the Iran Refined  
25           Petroleum Sanctions Act of 2009, and every 6

1 months thereafter, the President shall submit a re-  
2 port to the appropriate congressional committees re-  
3 garding any person who has—

4 “(A) provided Iran with refined petroleum  
5 products;

6 “(B) sold, leased, or provided to Iran any  
7 goods, services, or technology that would allow  
8 Iran to maintain or expand its domestic produc-  
9 tion of refined petroleum products; or

10 “(C) engaged in any activity that could  
11 contribute to the enhancement of Iran’s ability  
12 to import refined petroleum products.

13 “(2) DESCRIPTION.—For each activity set forth  
14 in subparagraphs (A) through (C) of paragraph (1),  
15 the President shall provide a complete and detailed  
16 description of such activity, including—

17 “(A) the date or dates of such activity;

18 “(B) the name of any persons who partici-  
19 pated or invested in or facilitated such activity;

20 “(C) the United States domiciliary of the  
21 persons referred to in subparagraph (B);

22 “(D) any Federal Government contracts to  
23 which the persons referred to in subparagraph  
24 (B) are parties; and

1           “(E) the steps taken by the United States  
2           to respond to such activity.

3           “(3) ADDITIONAL INFORMATION.—The report  
4           required by this subsection shall also include a list  
5           of—

6           “(A) any person that the President deter-  
7           mines is an agent, alias, front, instrumentality,  
8           representative, official, or affiliate of the Is-  
9           lamic Revolutionary Guard Corps or is an indi-  
10          vidual serving as a representative of the Islamic  
11          Revolutionary Guard Corps;

12          “(B) any person that the President deter-  
13          mines has knowingly provided material support  
14          to the Islamic Revolutionary Guard Corps or an  
15          agent, alias, front, instrumentality, representa-  
16          tive, official, or affiliate of the Islamic Revolu-  
17          tionary Guard Corps; and

18          “(C) any person who has conducted any  
19          commercial transaction or financial transaction  
20          with the Islamic Revolutionary Guards Corps or  
21          an agent, alias, front, instrumentality, rep-  
22          resentative, official, or affiliate of the Islamic  
23          Revolutionary Guard Corps.

24          “(4) FORM OF REPORTS; PUBLICATION.—The  
25          reports required under this subsection shall be—

1                   “(A) submitted in unclassified form, but  
2                   may contain a classified annex; and

3                   “(B) published in the Federal Register.

4           “(e) REPORTS ON GLOBAL TRADE RELATING TO  
5 IRAN.—Not later than one year after the date of the en-  
6 actment of the Iran Refined Petroleum Sanctions Act of  
7 2009 and annually thereafter, the President shall transmit  
8 to the appropriate congressional committees a report, with  
9 respect to the immediately preceding 12-month period, on  
10 the dollar value amount of trade, including in the energy  
11 sector, between Iran and each country maintaining mem-  
12 bership in the Group of Twenty Finance Ministers and  
13 Central Bank Governors.”.

14           (f) CLARIFICATION AND EXPANSION OF DEFINI-  
15 TIONS.—Section 14 of such Act is amended—

16                   (1) in paragraph (13)(B)—

17                           (A) by inserting “financial institution, in-  
18 surer, underwriter, guarantor, any other busi-  
19 ness organization, including any foreign sub-  
20 sidiary, parent, or affiliate of such a business  
21 organization,” after “trust,”; and

22                           (B) by inserting “, such as an export cred-  
23 it agency” before the semicolon at the end;

24                   (3) by redesignating paragraphs (15) and (16)  
25 as paragraphs (17) and (18), respectively; and

1           (4) by striking paragraph (14) and inserting  
2           the following:

3           “(14) KNOWINGLY.—The term ‘knowingly’  
4           means—

5                   “(A) having actual knowledge; or

6                   “(B) having the constructive knowledge  
7           deemed to be possessed by a reasonable indi-  
8           vidual who acts under similar circumstances.

9           “(15) PETROLEUM RESOURCES.—The term ‘pe-  
10          troleum resources’ includes petroleum, oil or lique-  
11          fied natural gas, oil or liquefied natural gas tankers,  
12          and products used to construct or maintain pipelines  
13          used to transport oil or compressed or liquefied nat-  
14          ural gas.

15          “(16) REFINED PETROLEUM PRODUCTS.—The  
16          term ‘refined petroleum products’ means gasoline,  
17          kerosene, diesel fuel, residual fuel oil, and distillates  
18          and other goods classified in headings 2709 and  
19          2710 of the Harmonized Tariff Schedule of the  
20          United States.”.

21          (g) TERMINATION OF CERTAIN PROVISIONS.—Sec-  
22          tion 8 of the Iran Sanctions Act of 1996 is amended—

23                  (1) by striking “The requirement under section  
24          5(a)” and inserting “(a) SANCTIONS RELATING TO

1 INVESTMENT—The requirement under section  
2 5(a)(1)(A)”;

3 (2) by striking “with respect to Iran”; and

4 (3) by adding at the end the following:

5 “(b) REFINED PETROLEUM PRODUCTS.—The re-  
6 quirement under paragraphs (1)(B) and (2) of section  
7 5(a) and section 6(b) to impose sanctions shall no longer  
8 have force or effect if the President determines and cer-  
9 tifies to the appropriate congressional committees that  
10 Iran—

11 “(1) has ceased its efforts to design, develop,  
12 manufacture, or acquire a nuclear explosive device or  
13 related materials and technology; and

14 “(2) has ceased nuclear-related activities, in-  
15 cluding uranium enrichment, that would facilitate  
16 the efforts described in paragraph (1).”.

17 (h) EXTENSION OF ACT.—Section 13(b) of the Iran  
18 Sanctions Act of 1996 is amended by striking “2011” and  
19 inserting “2016”.

20 (i) TECHNICAL AMENDMENTS.—

21 (1) MULTILATERAL REGIME.—Section 4 of  
22 such Act is amended—

23 (A) in subsection (b)(2), by striking “(in  
24 addition to that provided in subsection (d))”;

25 and



1 (B) by striking subsection (d) and redesignig-  
2 nating subsections (e) and (f) as subsections (d)  
3 and (e), respectively.

4 (2) REFERENCE TO COMMITTEE ON FOREIGN  
5 AFFAIRS.—Section 14(2) of such Act is amended by  
6 striking “International Relations” and inserting  
7 “Foreign Affairs”.

8 (3) CONFORMING AMENDMENTS.—(A) Section  
9 5(c)(1) of such Act is amended by striking “or (b)”  
10 and inserting “or (b)(1)”.

11 (B) Section 9(a) of such Act is amended by  
12 striking “or 5(b)” each place it appears and insert-  
13 ing “or 5(b)(1)”.

14 **SEC. 4. EFFECTIVE DATE; RULE OF CONSTRUCTION.**

15 (a) IN GENERAL.—The amendments made by this  
16 Act shall take effect upon the expiration of the 60-day  
17 period beginning on the date of the enactment of this Act,  
18 except that—

19 (1) paragraphs (1) and (2) of section 5(a), sec-  
20 tion 5(b)(2), and section 6(b), of the Iran Sanctions  
21 Act of 1996, as amended by this Act, shall apply to  
22 conduct engaged in on or after October 28, 2009,  
23 notwithstanding section 5(f)(3) of the Iran Sanc-  
24 tions Act of 1996; and

1           (2) the amendments made by subsection (d) of  
2 section 3 of this Act shall apply with respect to con-  
3 duct engaged in before, on, or after the date of the  
4 enactment of this Act.

5           (b) RULE OF CONSTRUCTION.—

6           (1) EXISTING SANCTIONS NOT AFFECTED.—  
7 The amendments made by subsections (a) and (b) of  
8 section 3 of this Act shall not be construed to affect  
9 the requirements of section 5(a) of the Iran Sanc-  
10 tions Act of 1996 as in effect before the date of the  
11 enactment of this Act, and such requirements con-  
12 tinue to apply, on and after such date of enactment,  
13 to conduct engaged in before October 28, 2009.

14           (2) WAIVER AUTHORITY.—The amendments  
15 made by subsection (d) of section 3 of this Act shall  
16 not be construed to affect any exercise of the au-  
17 thority under section 4(f) or section 9(c) of the Iran  
18 Sanctions Act of 1996 as in effect on the day before  
19 the date of the enactment of this Act.

