

109TH CONGRESS  
1ST SESSION

# S. 333

To hold the current regime in Iran accountable for its threatening behavior  
and to support a transition to democracy in Iran.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2005

Mr. SANTORUM introduced the following bill; which was read twice and  
referred to the Committee on Foreign Relations

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## A BILL

To hold the current regime in Iran accountable for its threat-  
ening behavior and to support a transition to democracy  
in Iran.

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 “Iran Freedom and  
5 Support Act of 2005”.

6 **SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short title.

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1           **TITLE I—CODIFICATION OF**  
 2           **SANCTIONS AGAINST IRAN**

3   **SEC. 101. CODIFICATION OF SANCTIONS.**

4           (a) CODIFICATION OF SANCTIONS RELATED TO  
 5 WEAPONS OF MASS DESTRUCTION.—United States sanc-  
 6 tions, controls, and regulations relating to weapons of  
 7 mass destruction with respect to Iran, as in effect on the  
 8 date of the enactment of this Act, shall remain in effect  
 9 until the President certifies to the Committee on Inter-  
 10 national Relations of the House of Representatives and  
 11 the Committee on Foreign Relations of the Senate that  
 12 the Government of Iran has permanently and verifiably  
 13 dismantled its weapons of mass destruction programs and  
 14 has committed to combating the proliferation of such  
 15 weapons.

16           (b) NO EFFECT ON OTHER SANCTIONS RELATING TO  
 17 SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—

1           (1) IN GENERAL.—Notwithstanding a certifi-  
2           cation by the President under subsection (a), United  
3           States sanctions, controls, and regulations described  
4           in paragraph (2) as in effect on the date of the en-  
5           actment of this Act shall remain in effect.

6           (2) COVERED SANCTIONS.—The sanctions, con-  
7           trols, and regulations referred to in paragraph (1)  
8           are sanctions, controls, and regulations related to  
9           determinations under section 6(j)(1)(A) of the Ex-  
10          port Administration Act of 1979 (as in effect pursu-  
11          ant to the International Emergency Economic Pow-  
12          ers Act; 50 U.S.C. 1701 et seq.), section 620A(a) of  
13          the Foreign Assistance Act of 1961 (22 U.S.C.  
14          2371(a)), and section 40(d) of the Arms Export  
15          Control Act (22 U.S.C. 2780(d)) regarding support  
16          by the Government of Iran for acts of international  
17          terrorism.

18 **TITLE II—AMENDMENTS TO THE**  
19 **IRAN AND LIBYA SANCTIONS**  
20 **ACT OF 1996**

21 **SEC. 201. MULTILATERAL REGIME.**

22          (a) REPORTS TO CONGRESS.—Section 4(b) of the  
23 Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701  
24 note) is amended to read as follows:

1       “(b) REPORTS TO CONGRESS.—Not later than six  
2 months after the date of the enactment of the Iran Free-  
3 dom and Support Act of 2005 and every six months there-  
4 after, the President shall submit to the appropriate con-  
5 gressional committees a report regarding specific diplo-  
6 matic efforts undertaken pursuant to subsection (a), the  
7 results of those efforts, and a description of proposed dip-  
8 lomatic efforts pursuant to such subsection. Each report  
9 shall include—

10           “(1) a list of the countries that have agreed to  
11 undertake measures to further the objectives of sec-  
12 tion 3(a);

13           “(2) a description of those measures, includ-  
14 ing—

15           “(A) government actions with respect to  
16 public or private entities (or their subsidiaries)  
17 located in their countries that are engaged in  
18 business in Iran;

19           “(B) any decisions by the governments of  
20 such countries to rescind or continue the provi-  
21 sion of credits, guarantees, or other govern-  
22 mental assistance to such entities; and

23           “(C) actions taken in international fora to  
24 further the objectives of section 3;

1           “(3) a list of the countries that have not agreed  
2 to undertake measures to further the objectives of  
3 section 3 with respect to Iran, and the reasons  
4 therefor; and

5           “(4) a description of any memorandums of un-  
6 derstanding, political understandings, or inter-  
7 national agreements to which the United States has  
8 acceded which affect implementation of this section  
9 or section 5(a).”.

10       (b) WAIVER.—Section 4(c) of such Act (50 U.S.C.  
11 1701 note) is amended to read as follows:

12       “(c) WAIVER.—

13           “(1) IN GENERAL.—The President may, on a  
14 case by case basis, waive for a period of not more  
15 than six months the application of section 5(a) with  
16 respect to a national of a country, if the President  
17 certifies to the appropriate congressional committees  
18 at least 30 days before such waiver is to take effect  
19 that—

20           “(A) such waiver is vital to the national se-  
21 curity of the United States; and

22           “(B) the country of the national has un-  
23 dertaken substantial measures to prevent the  
24 acquisition and development of weapons of mass  
25 destruction by the Government of Iran.

1           “(2) SUBSEQUENT RENEWAL OF WAIVER.—If  
2           the President determines that a renewal of a waiver  
3           is appropriate, the President may, at the conclusion  
4           of the period of a waiver under paragraph (1), renew  
5           such waiver for a subsequent period of not more  
6           than six months.”.

7 **SEC. 202. IMPOSITION OF SANCTIONS.**

8           (a) SANCTIONS WITH RESPECT TO DEVELOPMENT  
9           OF PETROLEUM RESOURCES.—Section 5(a) of the Iran  
10          and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note)  
11          is amended—

12                 (1) in the heading, by striking “TO IRAN” and  
13                 inserting “TO THE DEVELOPMENT OF PETROLEUM  
14                 RESOURCES OF IRAN”;

15                 (2) by striking “(6)” and inserting “(5)”; and

16                 (3) by striking “with actual knowledge,”.

17           (b) SANCTIONS WITH RESPECT TO DEVELOPMENT  
18           OF WEAPONS OF MASS DESTRUCTION OR OTHER MILI-  
19           TARY CAPABILITIES.—Section 5(b) of such Act (50 U.S.C.  
20           1701 note) is amended to read as follows:

21                 “(b) MANDATORY SANCTIONS WITH RESPECT TO  
22                 DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR  
23                 OTHER MILITARY CAPABILITIES.—Notwithstanding any  
24                 other provision of law, the President shall impose two or  
25                 more of the sanctions described in paragraphs (1) through

1 (5) of section 6 if the President determines that a person  
2 has, on or after the date of the enactment of the Iran  
3 Freedom and Support Act of 2005, exported, transferred,  
4 or otherwise provided to Iran any goods, services, tech-  
5 nology, or other items the provision of which has contrib-  
6 uted to the ability of Iran to—

7           “(1) acquire or develop chemical, biological, or  
8           nuclear weapons or related technologies; or

9           “(2) acquire or develop destabilizing numbers  
10          and types of advanced conventional weapons.”.

11          (c) PERSONS AGAINST WHICH THE SANCTIONS ARE  
12 TO BE IMPOSED.—Section 5(e)(2) of such Act (50 U.S.C.  
13 1701 note) is amended—

14           (1) in subparagraph (B), by striking “or” at  
15          the end;

16           (2) in subparagraph (C), by striking the period  
17          at the end and inserting “; or”; and

18           (3) by adding at the end the following new sub-  
19          paragraph:

20           “(D) is a private or government lender, in-  
21          surer, underwriter, re-insurer, or guarantor of  
22          the person referred to in paragraph (1) if that  
23          private or government lender, insurer, under-  
24          writer, re-insurer, or guarantor, with actual

1           knowledge, engaged in the activities referred to  
2           in paragraph (1).”.

3           (d) INVESTIGATIONS.—Section 5 of such Act (50  
4 U.S.C. 1701 note) is further amended by adding at the  
5 end the following new subsection:

6           “(g) INVESTIGATIONS.—

7           “(1) IN GENERAL.—Upon public or private dis-  
8           closure of activity related to investment in Iran by  
9           a person, the President shall direct the Secretary of  
10          the Treasury to initiate an investigation into the  
11          possible imposition of sanctions against such person  
12          as a result of such activity, to notify such person of  
13          such investigation, and to provide a recommendation  
14          to the President for such purposes.

15          “(2) DETERMINATION AND NOTIFICATION.—  
16          Not later than 90 days after the date of the disclo-  
17          sure of the activity described in paragraph (1), the  
18          President shall determine whether or not to impose  
19          sanctions against such person as a result of such ac-  
20          tivity and shall notify the appropriate congressional  
21          committees of the basis for such determination.

22          “(3) PUBLICATION.—Not later than 10 days  
23          after the President notifies the appropriate congress-  
24          sional committees under paragraph (2), the Presi-



1       dent shall ensure publication in the Federal Register  
2       of—

3               “(A) the identification of the persons  
4               against which the President has made a deter-  
5               mination that the imposition of sanctions is ap-  
6               propriate, together with an explanation for such  
7               determination; and

8               “(B) the identification of the persons  
9               against which the President has made a deter-  
10              mination that the imposition of sanctions is not  
11              appropriate, together with an explanation for  
12              such determination.”.

13       (e) **EFFECTIVE DATE.**—Sanctions imposed pursuant  
14       to the amendments made by this section shall apply with  
15       respect to investments made in Iran on or after the date  
16       of the enactment of this Act.

17       **SEC. 203. TERMINATION OF SANCTIONS.**

18       (a) **REMOVAL OF LIBYA SANCTIONS.**—Section 8 of  
19       the Iran and Libya Sanctions Act 1996 (50 U.S.C. 1701  
20       note) is amended—

21               (1) in subsection (a), by striking the subsection  
22               designation and heading; and

23               (2) by striking subsection (b).

1 (b) ADDITIONAL CONDITION FOR REMOVAL OF IRAN  
2 SANCTIONS.—Such section, as amended by subsection (a),  
3 is further amended—

4 (1) in paragraph (1)(C), by striking “and” at  
5 the end;

6 (2) in paragraph (2), by striking the period at  
7 the end and inserting “; and”; and

8 (3) by adding at the end the following new  
9 paragraph:

10 “(3) poses no threat to United States national  
11 security, interests, or allies.”.

12 **SEC. 204. SUNSET.**

13 Section 13 of the Iran and Libya Sanctions Act of  
14 1996 (50 U.S.C. 1701 note) is amended—

15 (1) in the section heading, by striking “; **SUN-**  
16 **SET**”;

17 (2) in subsection (a), by striking the subsection  
18 designation and heading; and

19 (3) by striking subsection (b).

20 **SEC. 205. CLARIFICATION AND EXPANSION OF DEFINI-**  
21 **TIONS.**

22 (a) **PERSON.**—Section 14(14)(B) of the Iran and  
23 Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is  
24 amended—

1           (1) by inserting after “trust” the following: “,  
2           financial institution, insurer, underwriter, re-insurer,  
3           guarantor”; and

4           (2) by striking “operating as a business enter-  
5           prise”.

6           (b) PETROLEUM RESOURCES.—Section 14(15) of the  
7           Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701  
8           note) is amended by inserting after “includes petroleum”  
9           the following: “, petroleum by-products,”.

## 10   **TITLE III—DEMOCRACY IN IRAN**

### 11   **SEC. 301. FINDINGS.**

12           Congress makes the following findings:

13           (1) The people of the United States have long  
14           demonstrated an interest in the well-being of the  
15           people of Iran, dating back to the 1830s.

16           (2) Famous Americans such as Howard Bas-  
17           kerville, Dr. Samuel Martin, Jane E. Doolittle, and  
18           Louis G. Dreyfus, Jr., made significant contribu-  
19           tions to Iranian society by furthering the educational  
20           opportunities of the people of Iran and improving  
21           the opportunities of the less fortunate citizens of  
22           Iran.

23           (3) Iran and the United States were allies fol-  
24           lowing World War II, and through the late 1970s

1 Iran was as an important regional ally of the United  
2 States and a key bulwark against Soviet influence.

3 (4) In November 1979, following the arrival of  
4 Mohammed Reza Shah Pahlavi in the United States,  
5 a mob of students and extremists seized the United  
6 States Embassy in Tehran, Iran, holding United  
7 States diplomatic personnel hostage until January  
8 1981.

9 (5) Following the seizure of the United States  
10 Embassy, Ayatollah Ruhollah Khomeini, leader of  
11 the repressive revolutionary movement in Iran, ex-  
12 pressed support for the actions of the students in  
13 taking American citizens hostage.

14 (6) Despite the presidential election of May  
15 1997, an election in which an estimated 91 percent  
16 of the electorate participated, control of the internal  
17 and external affairs of the Islamic Republic of Iran  
18 is still exercised by the courts in Iran and the Revo-  
19 lutionary Guards, Supreme Leader, and Council of  
20 Guardians of the Government of Iran.

21 (7) The election results of the May 1997 elec-  
22 tion and the high level of voter participation in that  
23 election demonstrate that the people of Iran favor  
24 economic and political reforms and greater inter-

1 action with the United States and the Western world  
2 in general.

3 (8) Efforts by the United States to improve re-  
4 lations with Iran have been rebuffed by the Govern-  
5 ment of Iran.

6 (9) The Clinton Administration eased sanctions  
7 against Iran and promoted people-to-people ex-  
8 changes, but the Leader of the Islamic Revolution  
9 Ayatollah Ali Khamenei, the Militant Clerics' Soci-  
10 ety, the Islamic Coalition Organization, and Sup-  
11 porters of the Party of God have all opposed efforts  
12 to open Iranian society to Western influences and  
13 have opposed efforts to change the dynamic of rela-  
14 tions between the United States and Iran.

15 (10) For the past two decades, the Department  
16 of State has found Iran to be the leading sponsor of  
17 international terrorism in the world.

18 (11) In 1983, the Iran-sponsored Hezbollah ter-  
19 rorist organization conducted suicide terrorist oper-  
20 ations against United States military and civilian  
21 personnel in Beirut, Lebanon, resulting in the  
22 deaths of hundreds of Americans.

23 (12) The United States intelligence community  
24 and law enforcement personnel have linked Iran to  
25 attacks against American military personnel at

1 Khobar Towers in Saudi Arabia in 1996 and to al  
2 Qaeda attacks against civilians in Saudi Arabia in  
3 2004.

4 (13) According to the Department of State's  
5 Patterns of Global Terrorism 2001 report, "Iran's  
6 Islamic Revolutionary Guard Corps and Ministry of  
7 Intelligence and Security continued to be involved in  
8 the planning and support of terrorist acts and sup-  
9 ported a variety of groups that use terrorism to pur-  
10 sue their goals," and "Iran continued to provide  
11 Lebanese Hizballah and the Palestinian rejectionist  
12 groups—notably HAMAS, the Palestinian Islamic  
13 Jihad, and the [Popular Front for the Liberation of  
14 Palestine-General Command]—with varying  
15 amounts of funding, safehaven, training and weap-  
16 ons".

17 (14) Iran currently operates more than 10  
18 radio and television stations broadcasting in Iraq  
19 that incite violent actions against United States and  
20 coalition personnel in Iraq.

21 (15) The current leaders of Iran, Ayatollah Ali  
22 Khamenei and Hashemi Rafsanjani, have repeatedly  
23 called upon Muslims to kill Americans in Iraq and  
24 install a theocratic regime in Iraq.

1           (16) The Government of Iran has admitted pur-  
2           suing a clandestine nuclear program, which the  
3           United States intelligence community believes may  
4           include a nuclear weapons program.

5           (17) The Government of Iran has failed to meet  
6           repeated pledges to arrest and extradite foreign ter-  
7           rorists in Iran.

8           (18) The United States Government believes  
9           that the Government of Iran supports terrorists and  
10          extremist religious leaders in Iraq with the clear in-  
11          tention of subverting coalition efforts to bring peace  
12          and democracy to Iraq.

13          (19) The Ministry of Defense of Iran confirmed  
14          in July 2003 that it had successfully conducted the  
15          final test of the Shahab-3 missile, giving Iran an  
16          operational intermediate-range ballistic missile capa-  
17          ble of striking both Israel and United States troops  
18          throughout the Middle East and Afghanistan.

19 **SEC. 302. DECLARATION OF CONGRESS REGARDING**  
20 **UNITED STATES POLICY TOWARD IRAN.**

21          Congress declares that it should be the policy of the  
22          United States—

23                 (1) to support efforts by the people of Iran to  
24                 exercise self-determination over the form of govern-  
25                 ment of their country; and

1           (2) to actively support a national referendum in  
2           Iran with oversight by international observers and  
3           monitors to certify the integrity and fairness of the  
4           referendum.

5 **SEC. 303. ASSISTANCE TO SUPPORT DEMOCRACY IN IRAN.**

6           (a) **AUTHORIZATION.**—The President is authorized,  
7 notwithstanding any other provision of law, to provide fi-  
8 nancial and political assistance (including the award of  
9 grants) to foreign and domestic individuals, organizations,  
10 and entities that support democracy and the promotion  
11 of democracy in Iran. Such assistance may include the  
12 award of grants to eligible independent pro-democracy  
13 radio and television broadcasting organizations that  
14 broadcast into Iran.

15           (b) **SENSE OF CONGRESS ON ELIGIBILITY FOR AS-**  
16 **SISTANCE.**—It is the sense of Congress that financial and  
17 political assistance under this section be provided to an  
18 individual, organization, or entity that—

19           (1) opposes the use of terrorism;

20           (2) advocates the adherence by Iran to non-  
21 proliferation regimes for nuclear, chemical, and bio-  
22 logical weapons and materiel;

23           (3) is dedicated to democratic values and sup-  
24 ports the adoption of a democratic form of govern-  
25 ment in Iran;



1           (4) is dedicated to respect for human rights, in-  
2           cluding the fundamental equality of women;

3           (5) works to establish equality of opportunity  
4           for people; and

5           (6) supports freedom of the press, freedom of  
6           speech, freedom of association, and freedom of reli-  
7           gion.

8           (c) FUNDING.—The President may provide assistance  
9           under this section using amounts made available pursuant  
10          to the authorization of appropriations under subsection  
11          (g).

12          (d) NOTIFICATION.—Not later than 15 days before  
13          each obligation of assistance under this section, and in ac-  
14          cordance with the procedures under section 634A of the  
15          Foreign Assistance Act of 1961 (22 U.S.C. 2394–1), the  
16          President shall notify the Committee on Foreign Relations  
17          and the Committee on Appropriations of the Senate and  
18          the Committee on International Relations and the Com-  
19          mittee on Appropriations of the House of Representatives.

20          (e) SENSE OF CONGRESS REGARDING COORDINA-  
21          TION OF POLICY AND APPOINTMENT.—It is the sense of  
22          Congress that in order to ensure maximum coordination  
23          among Federal agencies, if the President provides the as-  
24          sistance under this section, the President should appoint  
25          an individual who shall—

1           (1) serve as special assistant to the President  
2 on matters relating to Iran; and

3           (2) coordinate among the appropriate directors  
4 of the National Security Council on issues regarding  
5 such matters.

6           (f) SENSE OF CONGRESS REGARDING DIPLOMATIC  
7 ASSISTANCE.—It is the sense of Congress that—

8           (1) support for a transition to democracy in  
9 Iran should be expressed by United States rep-  
10 resentatives and officials in all appropriate inter-  
11 national fora;

12           (2) representatives of the Government of Iran  
13 should be denied access to all United States Govern-  
14 ment buildings;

15           (3) efforts to bring a halt to the nuclear weap-  
16 ons program of Iran, including steps to end the sup-  
17 ply of nuclear components or fuel to Iran, should be  
18 intensified, with particular attention focused on the  
19 cooperation regarding such program—

20           (A) between the Government of Iran and  
21 the Government of the Russian Federation; and

22           (B) between the Government of Iran and  
23 individuals from China, Malaysia, and Pakistan,  
24 including the network of Dr. Abdul Qadeer (A.  
25 Q.) Khan; and

1           (4) officials and representatives of the United  
2 States should—

3           (A) strongly and unequivocally support in-  
4 digenous efforts in Iran calling for free, trans-  
5 parent, and democratic elections; and

6           (B) draw international attention to viola-  
7 tions by the Government of Iran of human  
8 rights, freedom of religion, freedom of assem-  
9 bly, and freedom of the press.

10       (g) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
11 authorized to be appropriated to the Department of State  
12 \$10,000,000 to carry out activities under this section.

13 **SEC. 304. REPORTING REQUIREMENT REGARDING DES-**  
14 **IGNATION OF DEMOCRATIC OPPOSITION OR-**  
15 **GANIZATIONS.**

16       Not later than 15 days before designating a demo-  
17 cratic opposition organization as eligible to receive assist-  
18 ance under section 302, the President shall notify the  
19 Committee on Foreign Relations and the Committee on  
20 Appropriations of the Senate and the Committee on Inter-  
21 national Relations and the Committee on Appropriations  
22 of the House of Representatives of the proposed designa-  
23 tion. The notification may be in classified form.

○