

111TH CONGRESS
1ST SESSION

H. R. 4301

To support the democratic aspirations of the Iranian people by enhancing their ability to access the Internet and communications services.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2009

Mr. MORAN of Virginia (for himself, Mr. INGLIS, and Mr. DELAHUNT) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To support the democratic aspirations of the Iranian people by enhancing their ability to access the Internet and communications services.

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 “Iranian Digital Em-
5 powerment Act”.

6 **SEC. 2. FINDINGS AND SENSE OF CONGRESS.**

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

8 (1) The Government of Iran is engaged in a
9 range of activities that interfere with and infringe

1 upon the right of the Iranian people to access inde-
2 pendent news and information and to exercise basic
3 freedoms, in particular through electronic media.

4 (2) On September 28, 2009, a consortium re-
5 portedly controlled by Iran's Revolutionary Guard
6 Corps purchased a controlling interest in the Iranian
7 Telecommunications Company.

8 (3) On November 14, 2009, the Government of
9 Iran announced the establishment of a special secu-
10 rity force to police opposition activities on the Inter-
11 net.

12 (4) On numerous occasions, including most re-
13 cently ahead of student demonstrations on December
14 7, 2009, the Government of Iran has restricted ac-
15 cess to Internet and telecommunications networks in
16 order to limit popular dissent.

17 (5) In the aftermath of the disputed June 2009
18 Iranian presidential elections, the Iranian people uti-
19 lized Twitter, Facebook, and other personal commu-
20 nication technologies to organize demonstrations and
21 related activities.

22 (6) Citing the crucial role that Internet commu-
23 nications technologies were playing in post-election
24 Iran, the Department of State requested Twitter

1 delay a planned maintenance so that Iranians could
2 continue use of the service without interruption.

3 (7) The United States has a vital interest in
4 working to ensure that its policies do not uninten-
5 tionally aid the repressive policies of the Government
6 of Iran or hinder the Iranian people’s basic rights
7 and freedoms.

8 (8) Current sanctions on Iran have had the un-
9 intended effect of stifling Iranians’ access to the
10 Internet and related Internet technologies.

11 (9) Microsoft and Google have ceased providing
12 instant messaging services to Iranians, citing United
13 States economic sanctions.

14 (10) In a September 2009 response regarding
15 the suspension of messaging services within Iran by
16 Microsoft and Google, Director of the Department of
17 the Treasury’s Office of Foreign Assets Control
18 (OFAC), Adam Szubin, stated that, “Ensuring the
19 flow and access to information available through the
20 Internet and similar public sources is consistent with
21 the policy interests of the United States Govern-
22 ment.”.

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

1 (1) respects the sovereignty of the Iranian peo-
2 ple and the universal values of freedom of speech,
3 freedom of the press, and the freedom to assemble;

4 (2) supports the Iranian people seeking access
5 to news, electronic communication, and other forms
6 of information;

7 (3) encourages the development and provision
8 of technologies and services to the Iranian people
9 that enable them to communicate with each other
10 and the outside world; and

11 (4) encourages companies, organizations, and
12 individuals to enable large numbers of users to by-
13 pass censorship and surveillance technologies, for the
14 purposes of promoting Iranians' unfettered access to
15 the Internet, which is a civil liberty that should be
16 enjoyed by all people.

17 **SEC. 3. AUTHORIZATION OF EXPORTS OF CERTAIN SOFT-**
18 **WARE AND RELATED SERVICES TO IRAN.**

19 (a) AUTHORIZATION.—Notwithstanding any other
20 provision of law, the export of software and related serv-
21 ices described in subsection (b) to Iran by United States
22 persons may not be prohibited or otherwise restricted.

23 (b) SOFTWARE AND RELATED SERVICES DE-
24 SCRIBED.—The software and related services referred to
25 in subsection (a) are the following:

1 (1) Software and related services that allow pri-
2 vate Iranian citizens to circumvent online censorship
3 and monitoring efforts imposed by the Government
4 of Iran.

5 (2) Software and related services that enable
6 personal communication by the Iranian people.

7 (c) EXCEPTION.—

8 (1) IN GENERAL.—Subsection (a) shall not
9 apply with respect to the export of software and re-
10 lated services described in subsection (b) to the Gov-
11 ernment of Iran.

12 (2) DEFINITION.—

13 (A) IN GENERAL.—In this subsection, the
14 term “Government of Iran” includes the gov-
15 ernment of any political subdivision of Iran,
16 and any agency or instrumentality of the Gov-
17 ernment of Iran.

18 (B) AGENCY OR INSTRUMENTALITY.—For
19 purposes of subparagraph (A), the term “agen-
20 cy or instrumentality of the Government of
21 Iran” means an agency of instrumentality of a
22 foreign state as defined in section 1603(b) of
23 title 28, United States Code, with each ref-
24 erence in such section to “a foreign state”
25 deemed to be a reference to “Iran”.

1 (d) EFFECTIVE DATE.—This section shall apply with
2 respect to the export of software and related services re-
3 ferred to in subsection (a) on or after the date of the en-
4 actment of this Act.

○