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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Iranian Digital Empowerment Act”.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The Government of Iran is engaged in a range of activities that interfere with and infringe
upon the right of the Iranian people to access independent news and information and to exercise basic freedoms, in particular through electronic media.

(2) On September 28, 2009, a consortium reportedly controlled by Iran’s Revolutionary Guard Corps purchased a controlling interest in the Iranian Telecommunications Company.

(3) On November 14, 2009, the Government of Iran announced the establishment of a special security force to police opposition activities on the Internet.

(4) On numerous occasions, including most recently ahead of student demonstrations on December 7, 2009, the Government of Iran has restricted access to Internet and telecommunications networks in order to limit popular dissent.

(5) In the aftermath of the disputed June 2009 Iranian presidential elections, the Iranian people utilized Twitter, Facebook, and other personal communication technologies to organize demonstrations and related activities.

(6) Citing the crucial role that Internet communications technologies were playing in post-election Iran, the Department of State requested Twitter
delay a planned maintenance so that Iranians could continue use of the service without interruption.

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

(8) Current sanctions on Iran have had the unintended effect of stifling Iranians’ access to the Internet and related Internet technologies.

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

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

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that the United States—
(1) respects the sovereignty of the Iranian people and the universal values of freedom of speech, freedom of the press, and the freedom to assemble;

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

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

(4) encourages companies, organizations, and individuals to enable large numbers of users to bypass censorship and surveillance technologies, for the purposes of promoting Iranians’ unfettered access to the Internet, which is a civil liberty that should be enjoyed by all people.

SEC. 3. AUTHORIZATION OF EXPORTS OF CERTAIN SOFTWARE AND RELATED SERVICES TO IRAN.

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

(b) SOFTWARE AND RELATED SERVICES DESCRIBED.—The software and related services referred to in subsection (a) are the following:
(1) Software and related services that allow private Iranian citizens to circumvent online censorship and monitoring efforts imposed by the Government of Iran.

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

(c) EXCEPTION.—

(1) IN GENERAL.—Subsection (a) shall not apply with respect to the export of software and related services described in subsection (b) to the Government of Iran.

(2) DEFINITION.—

(A) IN GENERAL.—In this subsection, the term "Government of Iran" includes the government of any political subdivision of Iran, and any agency or instrumentality of the Government of Iran.

(B) AGENCY OR INSTRUMENTALITY.—For purposes of subparagraph (A), the term "agency or instrumentality of the Government of Iran" means an agency of instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in such section to "a foreign state" deemed to be a reference to "Iran".
(d) EFFECTIVE DATE.—This section shall apply with respect to the export of software and related services referred to in subsection (a) on or after the date of the enactment of this Act.