

108TH CONGRESS
2D SESSION

H. R. 5193

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2004

Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. BERMAN, and Mr. CHABOT) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To hold the current regime in Iran accountable for its threatening 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 Support
5 Act”.

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—CODIFICATION OF SANCTIONS AGAINST IRAN

Sec. 101. Codification of sanctions.

TITLE II—AMENDMENTS TO THE IRAN AND LIBYA SANCTIONS
ACT OF 1996

- Sec. 201. Multilateral regime.
 Sec. 202. Imposition of sanctions.
 Sec. 203. Termination of sanctions.
 Sec. 204. Sunset.
 Sec. 205. Clarification and expansion of definitions.

TITLE III—DEMOCRACY IN IRAN

- Sec. 301. Declaration of Congress regarding United States policy toward Iran.
 Sec. 302. Assistance to support democracy in Iran.
 Sec. 303. Sense of Congress regarding designation of democratic opposition organizations.

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 enactment of this Act, shall remain in effect, until
 9 the President certifies to the Committee on International
 10 Relations of the House of Representatives and the Com-
 11 mittee on Foreign Relations of the Senate that the Gov-
 12 ernment of Iran has permanently and verifiably disman-
 13 tled its weapons of mass destruction programs and has
 14 committed to combating the proliferation of such weapons.

15 (b) NO EFFECT ON OTHER SANCTIONS RELATING TO
 16 SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—
 17 Notwithstanding a certification by the President under
 18 subsection (a), United States sanctions, controls, and reg-
 19 ulations relating to a determination under section

1 6(j)(1)(A) of the Export Administration Act of 1979 (50
2 U.S.C. App. 2405(j)(1)(A)), section 620A(a) of the For-
3 eign Assistance Act of 1961 (22 U.S.C. 2371(a)), or sec-
4 tion 40(d) of the Arms Export Control Act (22 U.S.C.
5 2780(d)) relating to support for acts of international ter-
6 rorism by the Government of Iran, as in effect on the date
7 of the enactment of this Act, shall remain in effect.

8 **TITLE II—AMENDMENTS TO THE**
9 **IRAN AND LIBYA SANCTIONS**
10 **ACT OF 1996**

11 **SEC. 201. MULTILATERAL REGIME.**

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

15 “(b) REPORTS TO CONGRESS.—Not later than six
16 months after the date of the enactment of the Iran Free-
17 dom Support Act and every six months thereafter, the
18 President shall submit to the appropriate congressional
19 committees a report regarding specific diplomatic efforts
20 undertaken pursuant to subsection (a), the results of those
21 efforts, and a description of proposed diplomatic efforts
22 pursuant to such subsection. Each report shall include—

23 “(1) a list of the countries that have agreed to
24 undertake measures to further the objectives of sec-
25 tion 3 with respect to Iran;

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

3 “(A) government actions with respect to
4 public or private entities (or their subsidiaries)
5 located in their territories, that are engaged in
6 Iran;

7 “(B) any decisions by the governments of
8 these countries to rescind or continue the provi-
9 sion of credits, guarantees, or other govern-
10 mental assistance to these entities; and

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

13 “(3) a list of the countries that have not agreed
14 to undertake measures to further the objectives of
15 section 3 with respect to Iran, and the reasons
16 therefor; and

17 “(4) a description of any memorandums of un-
18 derstanding, political understandings, or inter-
19 national agreements to which the United States has
20 acceded which affect implementation of this section
21 or section 5(a).”.

22 (b) WAIVER.—Section 4(c) of such Act (50 U.S.C.
23 1701 note) is amended to read as follows:

24 “(c) WAIVER.—

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

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

10 “(B) the country of the national has un-
11 dertaken substantial measures to prevent the
12 acquisition and development of weapons of mass
13 destruction by the Government of Iran.

14 “(2) SUBSEQUENT RENEWAL OF WAIVER.—If
15 the President determines that such is appropriate,
16 the President may, at the conclusion of the period
17 of a waiver under paragraph (1), renew such waiver
18 for a subsequent period of not more than six
19 months.”.

20 (c) INVESTIGATIONS.—Section 4 of such Act (50
21 U.S.C. 1701 note) is amended by adding at the end the
22 following new subsection:

23 “(f) INVESTIGATIONS.—

24 “(1) IN GENERAL.—Upon public or private dis-
25 closure of activity related to investment in Iran by

1 a person as described in this Act, the President shall
2 direct the Secretary of the Treasury to initiate an
3 investigation into the possible imposition of sanc-
4 tions against such person as a result of such activ-
5 ity, to notify such person of such investigation, and
6 to provide a recommendation to the President for
7 such purposes.

8 “(2) DETERMINATION AND NOTIFICATION.—
9 Not later than 90 days after the date of the disclo-
10 sure of the activity described in paragraph (1), the
11 President shall determine whether or not to impose
12 sanctions against such person as a result of such ac-
13 tivity and shall notify the appropriate congressional
14 committees of the basis for such determination.

15 “(3) PUBLICATION.—Not later than 10 days
16 after the President notifies the appropriate congres-
17 sional committees under paragraph (2), the Presi-
18 dent shall ensure publication in the Federal Register
19 of—

20 “(A) the identification of the persons
21 against which the President has made a deter-
22 mination that the imposition of sanctions is ap-
23 propriate, together with an explanation for such
24 determination; and

1 “(B) the identification of the persons
2 against which the President has made a deter-
3 mination that the imposition of sanctions is not
4 appropriate, together with an explanation for
5 such determination.”.

6 **SEC. 202. IMPOSITION OF SANCTIONS.**

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

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

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

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

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

20 “(b) MANDATORY SANCTIONS WITH RESPECT TO
21 DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR
22 OTHER MILITARY CAPABILITIES.—Notwithstanding any
23 other provision of law, the President shall impose two or
24 more of the sanctions described in paragraphs (1) through
25 (5) of section 6 if the President determines that a person

1 has, on or after the date of the enactment of this Act,
2 exported, transferred, or otherwise provided to Iran any
3 goods, services, technology, or other items the provision
4 of which has contributed to the ability of Iran to—

5 “(1) acquire or develop chemical, biological, or
6 nuclear weapons or related technologies; or

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

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

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

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

16 (3) by adding at the end the following new sub-
17 paragraph:

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

1 (d) EFFECTIVE DATE.—Sanctions imposed pursuant
2 to the amendments made by this section shall apply with
3 respect to investments made in Iran on or after the date
4 of the enactment of this Act.

5 **SEC. 203. TERMINATION OF SANCTIONS.**

6 (a) REMOVAL OF LIBYA.—Section 8 of the Iran and
7 Libya Sanctions Act 1996 (50 U.S.C. 1701 note) is
8 amended—

9 (1) in subsection (a), by striking the subsection
10 designation and heading; and

11 (2) by striking subsection (b).

12 (b) NO THREAT POSED.—Such section, as amended
13 by subsection (a), is further amended—

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

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

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

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

22 **SEC. 204. SUNSET.**

23 Section 13 of the Iran and Libya Sanctions Act of
24 1996 (50 U.S.C. 1701 note) is amended—

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

3 (2) in subsection (a), by striking the subsection
4 designation and heading; and

5 (3) by striking subsection (b).

6 **SEC. 205. CLARIFICATION AND EXPANSION OF DEFINI-**
7 **TIONS.**

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

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

14 (2) by striking “operating as a business enter-
15 prise”.

16 (b) **PETROLEUM RESOURCES.**—Section 14(15) of the
17 Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701
18 note) is amended by inserting after “petroleum” the fol-
19 lowing: “, petroleum by-products,”.

20 **TITLE III—DEMOCRACY IN IRAN**

21 **SEC. 301. DECLARATION OF CONGRESS REGARDING**
22 **UNITED STATES POLICY TOWARD IRAN.**

23 Congress declares that it should be the policy of the
24 United States to support independent human rights and
25 pro-democracy forces in Iran.

1 **SEC. 302. ASSISTANCE TO SUPPORT DEMOCRACY IN IRAN.**

2 (a) AUTHORIZATION.—The President is authorized to
3 provide financial and political assistance (including the
4 award of grants) to foreign and domestic individuals, orga-
5 nizations, and entities that support democracy and the
6 promotion of democracy in Iran and that are opposed to
7 the non-democratic Government of Iran. Such assistance
8 may include the award of grants to eligible independent
9 pro-democracy radio and television broadcasting organiza-
10 tions that broadcast into Iran.

11 (b) ELIGIBILITY FOR ASSISTANCE.—Financial and
12 political assistance under this section may be provided to
13 an individual, organization, or entity that—

14 (1) officially opposes the use of terrorism;

15 (2) advocates the adherence by Iran to non-
16 proliferation regimes for nuclear, chemical, and bio-
17 logical weapons and materiel;

18 (3) is dedicated to democratic values and sup-
19 ports the adoption of a democratic form of govern-
20 ment in Iran;

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

23 (5) works to establish equality of opportunity
24 for people; and

1 (6) supports freedom of the press, freedom of
2 speech, freedom of association, and freedom of reli-
3 gion.

4 (c) FUNDING.—The President may provide assistance
5 under this section using—

6 (1) funds available to the Middle East Partner-
7 ship Initiative (MEPI), the Broader Middle East
8 and North Africa Initiative, and the National En-
9 dowment for Democracy (NED); and

10 (2) amounts made available pursuant to the au-
11 thorization of appropriations under subsection (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–l), the
16 President shall notify the Committee on International Re-
17 lations and the Committee on Appropriations of the House
18 of Representatives and the Committee on Foreign Rela-
19 tions and the Committee on Appropriations of the Senate.

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) contacts should be expanded with opposition
9 groups in Iran that meet the criteria under sub-
10 section (b);

11 (2) support for a transition to democracy in
12 Iran should be expressed by United States rep-
13 resentatives and officials in all appropriate inter-
14 national fora;

15 (3) representatives of the Government of Iran
16 should be denied access to all United States Govern-
17 ment buildings;

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

23 (A) between the Government of Iran and
24 the Government of the Russian Federation; and

1 (B) between the Government of Iran and
2 individuals from China, Malaysia, and Pakistan,
3 including the network of Dr. Abdul Qadeer (A.
4 Q.) Khan; and
5 (5) officials and representatives of the United
6 States should—

7 (A) strongly and unequivocally support in-
8 digenous efforts in Iran calling for free, trans-
9 parent, and democratic elections; and

10 (B) draw international attention to viola-
11 tions by the Government of Iran of human
12 rights, freedom of religion, freedom of assem-
13 bly, and freedom of the press.

14 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Department of State
16 such sums as may be necessary to carry out this section.

17 **SEC. 303. SENSE OF CONGRESS REGARDING DESIGNATION**
18 **OF DEMOCRATIC OPPOSITION ORGANIZA-**
19 **TIONS.**

20 (a) INITIAL DESIGNATION.—It is the sense of Con-
21 gress that, not later than 90 days after the date of the
22 enactment of this Act, the President should designate at
23 least one democratic opposition organization as eligible to
24 receive assistance under section 302.

1 (b) NOTIFICATION REQUIREMENT.—Not later than
2 15 days before designating a democratic opposition orga-
3 nization as eligible to receive assistance under section 302,
4 the President shall notify the Committee on International
5 Relations and the Committee on Appropriations of the
6 House of Representatives and the Committee on Foreign
7 Relations and the Committee on Appropriations of the
8 Senate of the proposed designation. If the President deter-
9 mines that such is appropriate, such notification may be
10 in classified form.

○