

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.

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

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 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(c)(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 congres-
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–l), 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.

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