

112TH CONGRESS
1ST SESSION

S. 879

To promote human rights and democracy in Iran.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2011

Mr. KIRK (for himself, Mrs. GILLIBRAND, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To promote human rights and 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Iran Human Rights and Democracy Promotion Act of
6 2011”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Declaration of policy.
- Sec. 3. Definitions.

- Sec. 4. Mandatory investigations to identify persons who are responsible for or complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran.
- Sec. 5. Imposition of sanctions with respect to the transfer of goods or technologies to Iran that may be used to commit human rights abuses.
- Sec. 6. Iran Freedom Support Act reauthorization.
- Sec. 7. Special representative on human rights and democracy in Iran.
- Sec. 8. Sense of Congress on political prisoners.
- Sec. 9. Comprehensive strategy to promote Internet freedom and access to information in Iran.

1 SEC. 2. DECLARATION OF POLICY.

2 (a) FINDING.—Congress finds that the interests of
 3 the United States and international peace are threatened
 4 by the ongoing and destabilizing actions of the Govern-
 5 ment of the Islamic Republic of Iran, including its mas-
 6 sive, systematic, and extraordinary violations of the
 7 human rights of its own citizens.

8 (b) DECLARATION OF POLICY.—It shall be the policy
 9 of the United States—

10 (1) to deny the Government of the Islamic Re-
 11 public of Iran the ability to continue to oppress the
 12 people of Iran and to use violence and executions
 13 against pro-democracy protestors and regime oppo-
 14 nents;

15 (2) to fully and publicly support efforts made
 16 by the people of Iran to promote the establishment
 17 of basic freedom, which build the foundation for the
 18 emergence of a freely elected, open, and democratic
 19 political system;

1 (3) to help the Iranian people produce, access,
2 and share information freely and safely via the
3 Internet and through other media; and

4 (4) to defeat all attempts by the Government of
5 the Islamic Republic of Iran to jam or otherwise
6 deny international satellite broadcast signals.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) **ADMITTED; ALIEN.**—The terms “admitted”
10 and “alien” have the meanings given those terms in
11 section 101(a) of the Immigration and Nationality
12 Act (8 U.S.C. 1101(a)).

13 (2) **APPROPRIATE CONGRESSIONAL COMMIT-**
14 **TEES.**—The term “appropriate congressional com-

15 mittees” means—
16 (A) the Committee on Foreign Relations,
17 the Committee on Finance, and the Committee
18 on Banking, Housing, and Urban Affairs of the
19 Senate; and

20 (B) the Committee on Foreign Affairs, the
21 Committee on Ways and Means, and the Com-
22 mittee on Financial Services of the House of
23 Representatives.

24 (3) **UNITED STATES PERSON.**—The term
25 “United States person” has the meaning given that

1 term in section 101(10) of the Comprehensive Iran
2 Sanctions, Accountability, and Divestment Act of
3 2010 (22 U.S.C. 8511(10)).

4 **SEC. 4. MANDATORY INVESTIGATIONS TO IDENTIFY PER-**
5 **SONS WHO ARE RESPONSIBLE FOR OR**
6 **COMPLICIT IN HUMAN RIGHTS ABUSES COM-**
7 **MITTED AGAINST CITIZENS OF IRAN OR**
8 **THEIR FAMILY MEMBERS AFTER THE JUNE**
9 **12, 2009, ELECTIONS IN IRAN.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that President of Iran Mahmoud Ahmadinejad, as
12 the head of state, is responsible for ordering, controlling,
13 and otherwise directing the commission of serious human
14 rights abuses against citizens of Iran on or after June 12,
15 2009.

16 (b) MANDATORY INVESTIGATIONS.—Section 105 of
17 the Comprehensive Iran Sanctions, Accountability, and
18 Divestment Act of 2010 (22 U.S.C. 8514) is amended—

19 (1) in subsection (a), by striking “subsection
20 (b)” and inserting “subsection (b)(2)”; and

21 (2) in subsection (b)—

22 (A) in the subsection heading, by striking
23 “LIST” and inserting “IDENTIFICATION”;

24 (B) by striking paragraphs (1), (2), and
25 (3) and inserting the following:

1 “(1) INVESTIGATIONS; DETERMINATIONS.—

2 “(A) IN GENERAL.—Upon receiving cred-
3 ible information that a person may be a person
4 described in subparagraph (B), the President
5 shall initiate an investigation and, not later
6 than 180 days after initiating the investigation,
7 make a determination with respect to whether
8 the person is a person described in subpara-
9 graph (B).

10 “(B) PERSON DESCRIBED.—A person de-
11 scribed in this subparagraph is a person that—

12 “(i) is an official of the Government
13 of Iran or is acting on behalf of that Gov-
14 ernment (including a member of a para-
15 military organization such as Ansar-e-
16 Hezbollah and Basij-e Mostaz’afin); and

17 “(ii) is responsible for or complicit in,
18 or responsible for ordering, controlling, or
19 otherwise directing, the commission of seri-
20 ous human rights abuses against citizens
21 of Iran or their family members on or after
22 June 12, 2009, regardless of whether such
23 abuses occurred in Iran.

24 “(2) LIST.—

1 “(A) IN GENERAL.—The President shall
2 submit to the appropriate congressional com-
3 mittees a list of each person the President de-
4 termines is a person described in paragraph
5 (1)(B)—

6 “(i) not later than 210 days after the
7 date of the enactment of the Iran Human
8 Rights and Democracy Promotion Act of
9 2011, and every 180 days thereafter; and

10 “(ii) as new information becomes
11 available.

12 “(B) FORM OF REPORT; PUBLIC AVAIL-
13 ABILITY.—

14 “(i) FORM.—The list required by sub-
15 paragraph (A) shall be submitted in un-
16 classified form but may contain a classified
17 annex.

18 “(ii) PUBLIC AVAILABILITY.—The un-
19 classified portion of the list required by
20 subparagraph (A) shall be made available
21 to the public and posted on the Web sites
22 of the Department of the Treasury and the
23 Department of State.”;

24 (C) by redesignating paragraph (4) as
25 paragraph (3); and

1 (D) in paragraph (3), as redesignated, by
2 striking “In preparing the list required by para-
3 graph (1)” and inserting “For purposes of initi-
4 ating investigations and making determinations
5 under paragraph (1)”.

6 **SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO THE**
7 **TRANSFER OF GOODS OR TECHNOLOGIES TO**
8 **IRAN THAT MAY BE USED TO COMMIT HUMAN**
9 **RIGHTS ABUSES.**

10 (a) INVESTIGATIONS; DETERMINATIONS.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (3), upon receiving credible information that
13 a person may have engaged in an activity described
14 in paragraph (2), the President shall initiate an in-
15 vestigation and, not later than 180 days after initi-
16 ating the investigation, make a determination with
17 respect to whether that person engaged in that activ-
18 ity.

19 (2) ACTIVITY DESCRIBED.—

20 (A) IN GENERAL.—A person engages in an
21 activity described in this subparagraph if the
22 person, on or after the date of the enactment
23 of this Act—

1 (i) transfers, or facilitates the transfer
2 of, goods or technologies described in sub-
3 paragraph (C) to Iran; or

4 (ii) provides services with respect to
5 goods or technologies described in subpara-
6 graph (C) after such goods or technologies
7 are transferred to Iran.

8 (B) APPLICABILITY TO CONTRACTS AND
9 OTHER AGREEMENTS.—A person engages in an
10 activity described in subparagraph (A) without
11 regard to whether the activity is carried out
12 pursuant to a contract or other agreement en-
13 tered into before, on, or after the date of the
14 enactment of this Act.

15 (C) GOODS OR TECHNOLOGIES DE-
16 SCRIBED.—Goods or technologies described in
17 this subparagraph are—

18 (i) firearms or ammunition (as those
19 terms are defined in section 921 of title
20 18, United States Code), accessories for
21 firearms, rubber bullets, clubs, batons, po-
22 lice sticks, mace, stun grenades, tasers or
23 other electroshock weapons, tear gas, water
24 cannons, motorcycles, or surveillance tech-
25 nology;

1 (ii) sensitive technology (as defined in
2 section 106(c) of the Comprehensive Iran
3 Sanctions, Accountability, and Divestment
4 Act of 2010 (22 U.S.C. 8515(c)); and

5 (iii) other goods or technologies that
6 the President determines may be used by
7 the Government of Iran to commit human
8 rights abuses against the people of Iran.

9 (3) SPECIAL RULE TO ALLOW FOR TERMI-
10 NATION OF SANCTIONABLE ACTIVITY.—The Presi-
11 dent shall not be required to initiate an investiga-
12 tion, and may terminate an investigation, under this
13 subsection if the President certifies in writing to the
14 appropriate congressional committees that—

15 (A) the person whose activity was the basis
16 for the investigation is no longer engaging in
17 the activity or has taken significant verifiable
18 steps toward stopping the activity; and

19 (B) the President has received reliable as-
20 surances that the person will not knowingly en-
21 gage in an activity described in paragraph (2)
22 in the future.

23 (b) LIST.—

24 (1) IN GENERAL.—The President shall submit
25 to the appropriate congressional committees a list of

1 each person the President determines has engaged in
2 an activity described in subsection (a)(2)—

3 (A) not later than 210 days after the date
4 of the enactment of this Act, and every 180
5 days thereafter; and

6 (B) as new information becomes available.

7 (2) FORM OF LIST.—The list required by para-
8 graph (1) shall be submitted in unclassified form but
9 may contain a classified annex.

10 (c) ASSET FREEZE.—The President shall freeze and
11 prohibit all transactions in all property and interests in
12 property of a person on the list required by subsection (b)
13 if such property and interests in property are in the
14 United States, come within the United States, or are or
15 come within the possession or control of a United States
16 person.

17 (d) WAIVER AUTHORITY.—The President may waive
18 the application of this section with respect to a person if
19 the President—

20 (1) determines that such a waiver is in the na-
21 tional interest of the United States; and

22 (2) submits to the appropriate congressional
23 committees a report describing the reasons for the
24 waiver.

1 (e) TERMINATION.—The provisions of this section
2 shall terminate on the date described in section 105(d)
3 of the Comprehensive Iran Sanctions, Accountability, and
4 Divestment Act of 2010 (22 U.S.C. 8514(d)).

5 **SEC. 6. IRAN FREEDOM SUPPORT ACT REAUTHORIZATION.**

6 (a) ADDITIONAL FORMS OF ASSISTANCE.—Section
7 302(a)(1) of the Iran Freedom Support Act (Public Law
8 109–293; 22 U.S.C. 2151 note) is amended by adding at
9 the end the following: “Such assistance may also include
10 the award of grants and the formation of public-private
11 partnerships to facilitate or subsidize the enrollment in or
12 directly provide Internet-based Farsi- or English-language
13 higher education courses for people in Iran denied access
14 to higher education solely on the basis of their race, reli-
15 gion, ethnicity, language, sexual orientation, belief, or life-
16 style.”.

17 (b) USE OF NEAR EAST REGIONAL DEMOCRACY
18 FUNDS.—Section 302(c)(1) of such Act is amended by
19 striking “and the Human Rights and Democracy Fund”
20 and inserting “the Human Rights and Democracy Fund,
21 and the Near East Regional Democracy program”.

22 (c) REAUTHORIZATION.—Section 302(f) of such Act
23 is amended by striking “2011” and inserting “2016”.

1 **SEC. 7. SPECIAL REPRESENTATIVE ON HUMAN RIGHTS AND**
2 **DEMOCRACY IN IRAN.**

3 (a) APPOINTMENT.—The President shall appoint a
4 Special Representative on Human Rights and Democracy
5 in Iran (in this Act referred to as the “Special Representa-
6 tive”) within the Department of State.

7 (b) QUALIFICATIONS.—The Special Representative
8 should be a person of recognized distinction in the field
9 of human rights and democracy promotion who shall have
10 the rank of ambassador and shall hold the office at the
11 pleasure of the President.

12 (c) DUTIES.—The Special Representative shall carry
13 out the following duties:

14 (1) Coordinate United States Government-wide
15 activities that promote human rights, democracy, po-
16 litical freedom, and religious freedom inside Iran.

17 (2) Coordinate United States Government-wide
18 activities that promote human rights, political free-
19 dom, and religious freedom for Iranian refugees and
20 asylees living outside Iran.

21 (3) Ensure the comprehensive investigation and
22 designation of Iranian human rights abusers in ac-
23 cordance with section 105 of the Comprehensive
24 Iran Sanctions, Accountability, and Divestment Act
25 of 2011 (22 U.S.C. 8514).

1 (4) Coordinate the documentation and publicity
2 of political dissidents and cases of human rights
3 abuse inside Iran.

4 (5) Coordinate multilateral efforts to build
5 international support for the promotion of human
6 rights, democracy, political freedom, and religious
7 freedom in Iran, including broadcasting, Internet ac-
8 cess, and dissemination of information.

9 (6) Encourage the United Nations, multilateral
10 organizations, and human rights nongovernmental
11 organizations to more robustly investigate and re-
12 port on human rights abuses in Iran.

13 (7) Encourage foreign governments to down-
14 grade or sever diplomatic relations with the Govern-
15 ment of Iran, enact economic sanctions, and assist
16 Iranian dissidents in response to the Government of
17 Iran's continued violations of human rights.

18 (8) Encourage foreign governments to expel the
19 Islamic Republic of Iran from international forums
20 and organizations with a human rights component,
21 including the United Nations Commission on the
22 Status of Women, the United Nations Educational,
23 Scientific and Cultural Organization, the United Na-
24 tions Children's Fund, and the International Labour
25 Organisation.

1 (9) Coordinate all programs funded under the
2 Iran Freedom Support Act (Public Law 109–293;
3 22 U.S.C. 2151 note).

4 (d) AUTHORITY.—

5 (1) COORDINATION OF ACTIVITIES.—The Spe-
6 cial Representative shall coordinate all activities re-
7 lated to Iran carried out by the Bureau of Near
8 Eastern Affairs, the Bureau of Democracy, Human
9 Rights and Labor, and the Bureau of Population,
10 Refugees and Migration of the Department of State,
11 the Ambassador at Large for International Religious
12 Freedom, the Special Envoy to Monitor and Combat
13 Anti-Semitism, the United States Commission on
14 International Religious Freedom, the National En-
15 dowment for Democracy, and the Broadcasting
16 Board of Governors.

17 (2) COORDINATION OF USE OF FUNDS.—The
18 Special Representative shall coordinate and oversee
19 the obligation and expenditure of funds related to
20 human rights, democracy, Internet freedom, and
21 broadcasting activities in Iran, including funds made
22 available for such purposes to the Middle East Part-
23 nership Initiative (MEPI), the Broader Middle East,
24 and North Africa Initiative, the Human Rights and

1 Democracy Fund, and Near Eastern Regional De-
2 mocracy.

3 (e) DIPLOMATIC REPRESENTATION.—Subject to the
4 direction of the President and the Secretary of State, the
5 Special Representative is authorized to represent the
6 United States in matters and cases relevant to the pro-
7 motion of human rights, democracy, political freedom, and
8 religious freedom in Iran in—

9 (1) contacts with foreign governments, intergov-
10 ernmental organizations, and specialized agencies of
11 the United Nations, the Organization of Security
12 and Cooperation in Europe, and other international
13 organizations of which the United States is a mem-
14 ber; and

15 (2) multilateral conferences and meetings rel-
16 evant to the promotion of human rights, democracy,
17 political freedom, and religious freedom in Iran.

18 (f) CONSULTATIONS.—The Special Representative
19 shall consult with domestic and international nongovern-
20 mental organizations, unions, multilateral organizations
21 and institutions as the Special Representative considers
22 appropriate to fulfill the purposes of this Act.

23 (g) FUNDING.—Of prior year funds made available
24 for “Near East Regional Democracy”, the Secretary of
25 State shall provide to the Special Representative such

1 sums as may be necessary for fiscal year 2012 for the
2 hiring of staff, for the conduct of investigations, and for
3 necessary travel to carry out the provisions of this Act.

4 **SEC. 8. SENSE OF CONGRESS ON POLITICAL PRISONERS.**

5 It is the sense of Congress that—

6 (1) the Secretary of State should support ef-
7 forts to research and catalogue prisoners of con-
8 science and cases of human rights abuses inside
9 Iran;

10 (2) the United States Government should offer
11 political asylum in the United States to such polit-
12 ical prisoners if requested, and offer to assist,
13 through the United Nations High Commissioner for
14 Refugees, with the relocation of such political pris-
15 oners to other countries if requested, as appropriate
16 and with due consideration for United States na-
17 tional security interests;

18 (3) the Special Representative for Democracy
19 and Human Rights in Iran and all representatives of
20 the United States Government should publicly call
21 for the release of Iranian dissidents by name and
22 raise individual cases of Iranian dissidents and pris-
23 oners of conscience as appropriate; and

24 (4) the Special Representative for Democracy
25 and Human Rights in Iran should be included in all

1 diplomatic meetings conducted with representatives
2 of the Government of the Islamic Republic of Iran.

3 **SEC. 9. COMPREHENSIVE STRATEGY TO PROMOTE INTER-**
4 **NET FREEDOM AND ACCESS TO INFORMA-**
5 **TION IN IRAN.**

6 Not later than 90 days after the date of the enact-
7 ment of this Act, the President, in coordination with the
8 Special Representative on Human Rights and Democracy
9 in Iran, shall submit to the Committees on Appropriations
10 and Foreign Affairs of the House of Representatives and
11 the Committees on Appropriations and Foreign Relations
12 of the Senate a comprehensive strategy developed in con-
13 sultation with the Department of State, other Federal
14 agencies, the National Endowment for Democracy, the
15 Broadcasting Board of Governors, and nongovernmental
16 organizations, including current implementers and unions,
17 as appropriate, to—

18 (1) help the people of Iran produce, access, and
19 share information freely and safely via the Internet,
20 including in Farsi and regional languages;

21 (2) support the development of counter-censor-
22 ship technologies that enable the citizens of Iran to
23 undertake Internet activities without interference
24 from their government;

1 (3) increase the capabilities and availability of
2 secure mobile communications among human rights
3 and democracy activists in Iran;

4 (4) provide resources for digital safety training
5 for media, unions, and academic and civil society or-
6 ganizations in Iran;

7 (5) increase the amount of accurate Internet
8 content in local languages in Iran;

9 (6) increase emergency resources for the most
10 vulnerable human rights advocates seeking to orga-
11 nize, share information, and support human rights
12 in Iran;

13 (7) expand surrogate radio, television, live
14 stream, and social network communications inside
15 Iran and improve Voice of America's Persian News
16 Network and Radio Free Europe/Radio Liberty's
17 Radio Farda to provide 24/7 hourly live news update
18 and breaking news coverage capability;

19 (8) expand activities to safely assist and train
20 human rights, civil society, and union activists in
21 Iran to operate effectively and securely;

22 (9) defeat all attempts by the Government of
23 Iran to jam or otherwise deny international satellite
24 broadcasting signals; and

- 1 (10) expand worldwide United States embassy
- 2 and consulate programming for and outreach to Ira-
- 3 nian dissident communities.

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