

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: HM 531 Support of a Free Iran
SPONSOR(S): Eskamani and others
TIED BILLS: **IDEN./SIM. BILLS:** SM 848

FINAL HOUSE FLOOR ACTION: N/A Y's N/A N's **GOVERNOR'S ACTION:** N/A

SUMMARY ANALYSIS

HM 531 passed the House on April 20, 2023, as SM 848.

The Islamic Republic of Iran is the governing body of the country of Iran. As a result of the Iranian takeover of the American Embassy on November 4, 1979, the United States and Iran severed diplomatic relations in April 1980 and since then have had no formal diplomatic relationship. On September 13, 2022, Mahsa “Jina” Amini suffered a head injury under unknown circumstances and died while in the custody of the Tehran police. Amini’s death catalyzed a series of protests regarding Iranian human rights issues. The protests that began in September 2022 are ongoing. According to the Human Rights Activists News Agency, U.S.-based organization that advocates for human rights in Iran, at least 516 protesters have been killed during the protests.

The memorial urges the United States Congress to stand in support of the fight for freedom of the people of Iran. The memorial directs the Secretary of State to dispatch copies of the memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

Legislative memorials are not subject to the Governor’s veto powers and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

This memorial does not have a fiscal impact on the state or local governments.

The memorial is not subject to the Governor’s veto powers.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

United States-Iran Relations

Iran has been governed as an Islamic theocracy since the Iranian Revolution of 1979.¹ As a result of the Iranian takeover of the American Embassy on November 4, 1979, the United States and Iran severed diplomatic relations in April 1980 and since then, have had no formal diplomatic relationship.² Switzerland serves in the role of protecting power³ within Iran and provides limited consular services to U.S. citizens in Iran.

Iran Nuclear Agreement

The Iran Nuclear Agreement, formally known as the Joint Comprehensive Plan of Action (JCPOA), is an agreement between Iran, China, France, Germany, Russia, the United Kingdom, the United States, and the European Union on the development of Iranian nuclear power.⁴ Negotiations on the agreement began in 2013, with a final agreement reached in July 2015.⁵ The United States withdrew from the JCPOA in 2018, citing the agreement's failure to curtail Iran's missile program and regional influence.⁶

The purpose of the JCPOA was to ensure the Iranian nuclear program would be used exclusively for peaceful purposes.⁷ To achieve this, the agreement limited Iran to conducting uranium enrichment research with certain centrifuge designs at specified locations for 10 years.⁸ The agreement also required Iran to agree not to build additional centrifuges or heavy-water facilities for 15 years.⁹ Under the agreement, the International Atomic Energy Agency had regular access to all Iranian nuclear facilities in order to verify compliance,¹⁰ and required a comprehensive inspection plan to be implemented to monitor and confirm Iran's compliance and prevent diversions of any material which could be used for alternative purposes.¹¹

Protests

On September 13, 2022, Mahsa "Jina" Amini was arrested by the Tehran police. On September 16, 2022, Amini suffered a head injury and died under unknown circumstances while in the custody of the

¹ See Qanuni Assassi Jumhurii Islamai Iran [The Constitution of the Islamic Republic of Iran] 1979, available at http://www.servat.unibe.ch/icl/ir00000_.html (last visited May 11, 2023).

² U.S. Dept. of State, *U.S. Relations with Iran*, <https://www.state.gov/u-s-relations-with-iran/> (last visited Mar. 12, 2023).

³ A "protecting power" is a third-party appointed to represent the diplomatic interest of a nation in another nation with which it does not have diplomatic relations. See U.S. Dept. of State, *Foreign Affairs Manual*, 7 FAM 1071, available at <https://fam.state.gov/fam/07fam/07fam1070.html> (last visited May 11, 2023).

⁴ U.S. Dept. of State, *Joint Comprehensive Plan of Action*, <https://2009-2017.state.gov/e/eb/tfs/spi/iran/jcpoa/index.htm> (last visited Apr. 5, 2023).

⁵ Kali Robinson, *What Is the Iran Nuclear Deal?*, Council on Foreign Relations, <https://www.cfr.org/backgrounder/what-iran-nuclear-deal> (last visited Apr. 5, 2023).

⁶ *Id.*

⁷ Joint Comprehensive Plan of Action, U.S.-China-Fr.-Ger.-Iran-Russ.-U.K., July 14, 2015., available at <https://2009-2017.state.gov/e/eb/tfs/spi/iran/jcpoa/index.htm> (last visited Apr. 5, 2023) (hereafter JCPOA).

⁸ JCPOA, *Annex I - Nuclear-Related Measures*, Section G.

⁹ JCPOA, *Annex I - Nuclear-Related Measures*, Section E.

¹⁰ JCPOA, *Annex V - Implementation Plan*.

¹¹ *Id.*

Tehran police.¹² Suspicions arose that Amini's death was a direct result of police action.¹³ Amini's death is considered a major factor in sparking a series of protests regarding Iranian human rights issues, most notably the end to mandatory hijab for women, wider freedoms, and women's rights.¹⁴ These protests appear to be demanding a complete regime change rather than limiting the change to incremental reforms.¹⁵

The protests began in September 2022 and are still ongoing.¹⁶ According to the Human Rights Activists News Agency, a U.S.-based organization that advocates for human rights in Iran, at least 516 protesters have been killed during the protests.¹⁷

United Nations (UN) Commission on the Status of Women

The UN Commission on the Status of Women (UN Commission) was established in 1946.¹⁸ The UN Commission consists of 45 representatives elected to a four-year term by the Economic and Social Council based on geographical representation.¹⁹ The UN Commission promotes women's rights by documenting global inequities and shaping standards on equality and the empowerment of women.²⁰

On December 14, 2022, Iran was removed from the UN Commission.²¹ Twenty-nine members voted in favor of a resolution proposed by the United States to "remove with immediate effect the Islamic Republic of Iran from the Commission on the Status of Women for the remainder of its 2022-2026 term."²² The protests related to the death of Amini were cited as justification for the vote; however, Iran's ambassador argued the resolution to remove Iran was a baseless claim using fake narratives.

Effect of the Memorial

The memorial provides historical background on relations with Iran; the current protests for a new, democratically elected, and free government; the death of Mahsa "Jina" Amini; and the protests that began September 17, 2022. The memorial encourages the United States to stop all discussions on the Iran Nuclear Agreement, to continue to sanction members of the Iranian government and the Islamic Revolution Guard Corps, and to continue to amplify the voices of the people of Iran by maintaining internet access. The memorial also provides that federal representatives should continue to push the United Nations' investigative mechanism for crimes against humanity committed by Iran and demand the end of unlawful imprisonment and execution in Iran.

¹² Patrick Wintour and Weronika Strzyżyńska, *Head of Iran's morality police reportedly suspended amid protests*, The Guardian (Sept. 19, 2022), <https://www.theguardian.com/world/2022/sep/19/mahsa-amini-iran-protests-enter-third-day-after-kurdish-womans-death-in-custody> (last visited Apr. 5, 2023).

¹³ *Id.*

¹⁴ Rhoda Kwan, *Iran warns the West over protests as international backlash grows*, NBC News (Sept. 26, 2022), <https://www.nbcnews.com/news/world/iran-mahsa-amini-west-death-protests-backlash-grows-rcna49363> (last visited Apr. 5, 2023).

¹⁵ Robert F. Worth, *In Iran, Raw Fury Is in the Air* The Atlantic (Oct. 1, 2022), <https://www.theatlantic.com/ideas/archive/2022/10/iran-protests-mahsa-amini/671616/> (last visited March 12, 2023).

¹⁶ See Arsalan Shahla, *Iran's Judiciary to 'Show Clemency' to Some Jailed Protesters*, Bloomberg (Feb. 5, 2023), <https://www.bloomberg.com/news/articles/2023-02-05/iran-s-judiciary-to-show-clemency-to-some-jailed-protesters> (last visited Mar. 12, 2023).

¹⁷ Voice of America, *Monitor: 516 Killed Since Iran Protests Began*, <https://www.voanews.com/a/monitor-516-killed-since-iran-protests-began/6901960.html> (last visited Apr. 5, 2023).

¹⁸ United Nations News, *Iran Removed from UN Commission on the Status of Women* (Dec. 14, 2022), <https://news.un.org/en/story/2022/12/1131722> (last visited Mar. 14, 2023).

¹⁹ UN Women, *Member States*, <https://www.unwomen.org/en/csw/member-states> (last visited Apr. 5, 2023).

²⁰ United Nations News, *Iran Removed from UN Commission on the Status of Women* (Dec. 14, 2022), <https://news.un.org/en/story/2022/12/1131722> (last visited Mar. 14, 2023).

²¹ Jonny Hallam and Artemis Moshtaghian, *Iran expelled from UN commission on women*, CNN (Dec. 14, 2022), <https://www.cnn.com/2022/12/14/middleeast/iran-expelled-from-un-womens-rights-body-intl/index.html> (last visited Mar. 12, 2023).

²² *Id.*

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II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.