

116TH CONGRESS
1ST SESSION

S. 1825

To impose sanctions with respect to foreign persons responsible for violations of the human rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Mr. BLUMENTHAL, Mr. PORTMAN, Mr. MURPHY, Ms. COLLINS, Mr. MARKEY, Mr. MERKLEY, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To impose sanctions with respect to foreign persons responsible for violations of the human rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, and for other purposes.

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 “Global Respect Act
5 of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The dignity, freedom, and equality of all
2 human beings are fundamental to a thriving global
3 community.

4 (2) The rights to life, liberty, and security of
5 the person, the right to privacy, and the right to
6 freedom of expression and association are funda-
7 mental human rights.

8 (3) An alarming trend of violence directed at
9 lesbian, gay, bisexual, transgender, and intersex
10 (commonly referred to as “LGBTI”) individuals
11 around the world continues.

12 (4) Approximately one-third of all countries
13 have laws criminalizing consensual same-sex rela-
14 tions, and many have enacted policies or laws that
15 would further target LGBTI individuals.

16 (5) Every year thousands of individuals around
17 the world are targeted for harassment, attack, ar-
18 rest, and murder on the basis of their sexual ori-
19 entation or gender identity.

20 (6) Those who commit crimes against LGBTI
21 individuals often do so with impunity, and are not
22 held accountable for their crimes.

23 (7) Homophobic and transphobic statements by
24 government officials in many countries in every re-

1 gion of the world promote negative public attitudes
2 and can lead to violence toward LGBTI individuals.

3 (8) In many instances, police, prison, military,
4 and civilian government authorities have been di-
5 rectly complicit in abuses aimed at LGBTI citizens,
6 including arbitrary arrest, torture, and sexual abuse.

7 (9) Celebrations of LGBTI individuals and
8 communities, such as film festivals, Pride events,
9 and demonstrations are often forced underground
10 due to inaction on the part of, or harassment by,
11 local law enforcement and government officials, in
12 violation of freedoms of assembly and expression.

13 (10) Laws criminalizing consensual same-sex
14 relations severely hinder access to HIV/AIDS treat-
15 ment, information, and preventive measures for
16 LGBTI individuals and families.

17 (11) Many countries are making positive devel-
18 opments in the protection of the basic human rights
19 of LGBTI individuals.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) **ADMISSION; ADMITTED.**—The terms “ad-
23 mission” and “admitted” have the meanings given
24 those terms in section 101 of the Immigration and
25 Nationality Act (8 U.S.C. 1101).

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
 2 TEES.—The term “appropriate congressional com-
 3 mittees” means the Committee on Foreign Relations
 4 of the Senate and the Committee on Foreign Affairs
 5 of the House of Representatives.

6 (3) FOREIGN PERSON.—The term “foreign per-
 7 son” means—

8 (A) an individual who is a citizen or na-
 9 tional of a foreign country (including any such
 10 individual who is also a citizen or national of
 11 the United States), including leaders or officials
 12 of governmental entities of a foreign country; or

13 (B) any entity not organized solely under
 14 the laws of the United States or existing solely
 15 in the United States, including governmental
 16 entities of a foreign country.

17 **SEC. 4. IDENTIFICATION OF FOREIGN PERSONS RESPON-**
 18 **SIBLE FOR VIOLATIONS OF HUMAN RIGHTS**
 19 **OF LGBTI INDIVIDUALS.**

20 (a) LIST REQUIRED.—

21 (1) IN GENERAL.—Not later than 180 days
 22 after the date of the enactment of this Act, and
 23 every 180 days thereafter, the President shall sub-
 24 mit to the appropriate congressional committees a
 25 list of each foreign person that the President deter-

1 mines, based on credible information, on or after
2 such date of enactment—

3 (A) engages in, is responsible for, or is
4 complicit in, conduct described in paragraph
5 (2);

6 (B) acts as an agent of or on behalf of a
7 foreign person in a matter relating to conduct
8 described in paragraph (2); or

9 (C) is responsible for, or complicit in, incit-
10 ing a foreign person to engage in conduct de-
11 scribed in paragraph (2).

12 (2) CONDUCT DESCRIBED.—Conduct described
13 in this paragraph is any of the following, conducted
14 with respect to an individual based on the actual or
15 perceived sexual orientation, gender identity, or sex
16 characteristics of the individual:

17 (A) Cruel, inhuman, or degrading treat-
18 ment or punishment of the individual.

19 (B) Prolonged detention of the individual
20 without charges or trial.

21 (C) Causing the disappearance of the indi-
22 vidual by the abduction and clandestine deten-
23 tion of the individual.

24 (D) Other flagrant denial of the right to
25 life, liberty, or the security of the individual.

1 (3) CREDIBLE INFORMATION.—For purposes of
2 paragraph (1), credible information includes infor-
3 mation obtained by other countries or nongovern-
4 mental organizations that monitor violations of
5 human rights.

6 (b) UPDATES.—The President shall submit to the ap-
7 propriate congressional committees an update of the list
8 required by subsection (a) as new information becomes
9 available.

10 (c) REMOVAL.—A person may be removed from the
11 list required by subsection (a) if the President determines
12 and reports to the appropriate congressional committees
13 not later than 15 days before the removal of the person
14 from the list that—

15 (1) credible information exists that the person
16 did not engage in the activity for which the person
17 was added to the list;

18 (2) the person has been prosecuted appro-
19 priately for the activity; or

20 (3) the person has credibly demonstrated a sig-
21 nificant change in behavior, has paid an appropriate
22 consequence for the activity, and has credibly com-
23 mitted to not engage in an activity described in sub-
24 section (a) in the future.

25 (d) FORM.—

1 (1) IN GENERAL.—The list required by sub-
2 section (a)—

3 (A) shall, notwithstanding the require-
4 ments of section 222(f) of the Immigration and
5 Nationality Act (8 U.S.C. 1202(f)) with respect
6 to confidentiality of records pertaining to the
7 issuance or refusal of visas or permits to enter
8 the United States, be submitted in unclassified
9 form and be published in the Federal Register;
10 and

11 (B) may include a classified annex only as
12 provided in paragraph (2).

13 (2) USE OF CLASSIFIED ANNEX.—The Presi-
14 dent may include a person on the list required by
15 subsection (a) in a classified annex to the list if the
16 President—

17 (A) determines that—

18 (i) it is vital for the national security
19 interests of the United States to do so; and

20 (ii) the use of the annex, and the in-
21 clusion of the person in the annex, would
22 not undermine the overall purpose of this
23 section to publicly identify foreign persons
24 engaging in activities described in sub-

1 section (a) in order to increase account-
2 ability for such conduct; and

3 (B) not later than 15 days before including
4 the person in the annex, submits to the appro-
5 priate congressional committees notice of, and a
6 justification for, including or continuing to in-
7 clude the person in the classified annex despite
8 the existence of any publicly available credible
9 information indicating that the person engaged
10 in an activity described in subsection (a).

11 (e) PUBLIC SUBMISSION OF INFORMATION.—The
12 President shall issue public guidance, including through
13 United States diplomatic and consular posts, setting forth
14 the manner by which the names of foreign persons that
15 may meet the criteria to be included on the list required
16 by subsection (a) may be submitted to the Secretary of
17 State for evaluation.

18 (f) REQUESTS FROM APPROPRIATE CONGRESSIONAL
19 COMMITTEES.—

20 (1) CONSIDERATION OF INFORMATION.—The
21 President shall consider information provided by the
22 chairperson or ranking member of any of the appro-
23 priate congressional committees in determining
24 whether to include a foreign person on the list re-
25 quired by subsection (a).

1 (2) REQUESTS.—Not later than 120 days after
2 receiving a written request from the chairperson or
3 ranking member of one of the appropriate congress-
4 sional committees with respect to whether a foreign
5 person meets the criteria for being added to the list
6 required by subsection (a), the President shall sub-
7 mit a response to the chairperson or ranking mem-
8 ber, as the case may be, with respect to the deter-
9 mination of the President with respect to the person.

10 (3) REMOVAL.—If the President removes from
11 the list required by subsection (a) a person that had
12 been placed on the list pursuant to a request the
13 chairperson or ranking member of one of the appro-
14 priate congressional committees under paragraph
15 (2), the President shall provide to the chairperson or
16 ranking member any information that contributed to
17 the decision to remove the person from the list.

18 (4) FORM.—The President may submit a re-
19 sponse required by paragraph (2) or (3) in classified
20 form if the President determines that it is necessary
21 for the national security interests of the United
22 States to do so.

1 **SEC. 5. INADMISSIBILITY OF INDIVIDUALS RESPONSIBLE**
2 **FOR VIOLATIONS OF HUMAN RIGHTS OF**
3 **LGBTI INDIVIDUALS.**

4 (a) **INELIGIBILITY FOR VISAS AND ADMISSION TO**
5 **THE UNITED STATES.**—An individual who is a foreign
6 person on the list required by section 4(a) is ineligible to
7 receive a visa to enter the United States and ineligible to
8 be admitted to the United States.

9 (b) **CURRENT VISAS REVOKED AND REMOVAL FROM**
10 **UNITED STATES.**—

11 (1) **IN GENERAL.**—The Secretary of State shall
12 revoke, in accordance with section 221(i) of the Im-
13 migration and Nationality Act (8 U.S.C. 1201(i)),
14 the visa or other documentation of an individual on
15 the list required by section 4(a), and the Secretary
16 of Homeland Security shall remove any such indi-
17 vidual from the United States.

18 (2) **REGULATIONS REQUIRED.**—Not later than
19 180 days after the date of the enactment of this Act,
20 the Secretary of State and the Secretary of Home-
21 land Security shall prescribe such regulations as are
22 necessary to carry out this subsection.

23 (c) **WAIVERS.**—The President may waive the applica-
24 tion of subsection (a) or (b) with respect to a foreign per-
25 son if the President—

26 (1) determines that such a waiver—

1 (A) is necessary to permit the United
2 States to comply with the Agreement regarding
3 the Headquarters of the United Nations, signed
4 at Lake Success June 26, 1947, and entered
5 into force November 21, 1947, between the
6 United Nations and the United States, the Con-
7 vention on Consular Relations, done at Vienna
8 April 24, 1963, and entered into force March
9 19, 1967, or other applicable international obli-
10 gations of the United States; or

11 (B) is in the national security interests of
12 the United States; and

13 (2) not less than 15 days before the granting
14 of the waiver, submits to the appropriate congres-
15 sional committees a notice of and justification for
16 the waiver.

17 **SEC. 6. SENSE OF CONGRESS WITH RESPECT TO ADDI-**
18 **TIONAL SANCTIONS.**

19 It is the sense of Congress that the President should
20 use existing authorities to impose targeted sanctions (in
21 addition to section 5) with respect to foreign persons on
22 the list required by section 4(a) to push for accountability
23 for flagrant denials of the right to life, liberty, or the secu-
24 rity of the person.

1 **SEC. 7. REPORT TO CONGRESS.**

2 Not later than one year after the date of the enact-
3 ment of this Act, and annually thereafter, the Secretary
4 of State shall submit to the appropriate congressional
5 committees a report on—

6 (1) the actions taken to carry out this Act, in-
7 cluding—

8 (A) the number of foreign persons added
9 to or removed from the list required by section
10 4(a) during the year preceding the report, the
11 dates on which those persons were added or re-
12 moved, and the reasons for adding or removing
13 those persons; and

14 (B) in each report after the first such re-
15 port, an analysis that compares increases or de-
16 creases in the number of persons added to or
17 removed from the list year-over-year and the
18 reasons for such increases or decreases; and

19 (2) any efforts by the President to coordinate
20 with the governments of other countries, as appro-
21 priate, to impose sanctions that are similar to the
22 sanctions imposed under this Act.

23 **SEC. 8. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**
24 **TION OR GENDER IDENTITY.**

25 (a) TRACKING VIOLENCE OR CRIMINALIZATION RE-
26 LATED TO SEXUAL ORIENTATION OR GENDER IDEN-

1 TITY.—The Assistant Secretary of State for Democracy,
 2 Human Rights, and Labor shall designate a Bureau-based
 3 senior officer or officers who shall be responsible for track-
 4 ing violence, criminalization, and restrictions on the enjoy-
 5 ment of fundamental freedoms in foreign countries based
 6 on actual or perceived sexual orientation or gender iden-
 7 tity.

8 (b) ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS
 9 PRACTICES.—The Foreign Assistance Act of 1961 is
 10 amended—

11 (1) in section 116(d) (22 U.S.C. 2151n(d))—

12 (A) in paragraph (11)(C), by striking
 13 “and” at the end;

14 (B) in paragraph (12)—

15 (i) in subparagraph (B), by striking
 16 “and” at the end; and

17 (ii) in subparagraph (C)(ii), by strik-
 18 ing the period at the end and inserting “;
 19 and”;

20 (C) by adding at the end the following new
 21 paragraph:

22 “(13) wherever applicable, violence or discrimi-
 23 nation that affects the fundamental freedoms, in-
 24 cluding widespread or systematic violation of the
 25 freedoms of expression, association, or assembly of

1 an individual in foreign countries that is based on
2 actual or perceived sexual orientation or gender
3 identity.”; and

4 (2) in section 502B(b) (22 U.S.C. 2304(b)), by
5 inserting after the ninth sentence the following:
6 “Wherever applicable, each report under this section
7 shall also include information regarding violence or
8 discrimination that affects the fundamental free-
9 doms, including widespread or systematic violation
10 of the freedoms of expression, association, or assem-
11 bly of an individual in foreign countries that is based
12 on actual or perceived sexual orientation, gender
13 identity, or sex characteristics.”.

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