

114TH CONGRESS
2D SESSION

S. 2645

To impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights against lesbian, gay, bisexual, and transgender individuals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2016

Mrs. SHAHEEN (for herself, Mr. MARKEY, Mr. BLUMENTHAL, Mr. WYDEN, Mr. MERKLEY, and Mr. MURPHY) 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 gross violations of internationally recognized human rights against lesbian, gay, bisexual, and transgender 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 **SEC. 2. FINDINGS.**

6 Congress finds the following:

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 rights.

8 (3) An alarming trend of violence directed at
9 lesbian, gay, bisexual, and transgender (in this sec-
10 tion referred to as “LGBT”) individuals around the
11 world continues.

12 (4) More than one-third of all countries have
13 laws criminalizing consensual same-sex relations,
14 and countries such as Nigeria, the Russian Federa-
15 tion, Uganda, and Ukraine have recently considered
16 or passed legislation that would further target
17 LGBT individuals.

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

22 (6) Persons who commit crimes against LGBT
23 individuals often do so with impunity, and are not
24 held accountable for their crimes.

1 (7) Homophobic and transphobic statements by
2 government officials in many countries in every re-
3 gion of the world promote negative public attitudes
4 and can lead to violence toward LGBT individuals.

5 (8) There are too many instances in which po-
6 lice, prison, military, and civilian government au-
7 thorities have been directly complicit in abuses
8 aimed at LGBT individuals, including arbitrary ar-
9 rest, torture, and sexual abuse.

10 (9) Celebrations of LGBT individuals and com-
11 munities, such as film festivals, Pride events, and
12 demonstrations are often forced underground be-
13 cause of inaction on the part of, or harassment by,
14 local law enforcement and government officials, in
15 violation of freedoms of assembly and expression.

16 (10) Laws criminalizing consensual same-sex
17 relations severely hinder access to HIV/AIDS treat-
18 ment, information, and preventive measures for
19 LGBT individuals and families.

20 (11) Many countries are making positive devel-
21 opments in the protection of the basic human rights
22 of LGBT individuals.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Armed Services, the
5 Committee on Foreign Affairs, the Committee
6 on Homeland Security, and the Committee on
7 the Judiciary of the House of Representatives;
8 and

9 (B) the Committee on Armed Services, the
10 Committee on Foreign Relations, the Com-
11 mittee on Homeland Security and Govern-
12 mental Affairs, and the Committee on the Judi-
13 ciary of the Senate.

14 (2) FOREIGN PERSON.—The term “foreign per-
15 son” means a person that is not a United States
16 person.

17 (3) PERSON.—The term “person” means an in-
18 dividual or entity.

19 (4) UNITED STATES PERSON.—The term
20 “United States person” means—

21 (A) a United States citizen or an alien law-
22 fully admitted for permanent residence to the
23 United States; or

24 (B) an entity organized under the laws of
25 the United States or of any jurisdiction within

1 the United States, including a foreign branch of
2 such an entity.

3 **SEC. 4. IDENTIFICATION OF FOREIGN PERSONS RESPON-**
4 **SIBLE FOR GROSS VIOLATIONS OF HUMAN**
5 **RIGHTS.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of the enactment of this Act, and every 180 days
8 thereafter, the President shall submit to the appropriate
9 congressional committees a list of each foreign person that
10 the President determines, based on credible information—

11 (1) is responsible for or complicit in extrajudi-
12 cial killing, torture, or other gross violation of inter-
13 nationally recognized human rights, including wide-
14 spread or systematic violation of the fundamental
15 freedoms of expression, association, or assembly,
16 committed against an individual in a foreign country
17 based on actual or perceived sexual orientation or
18 gender identity;

19 (2) acted as an agent of or on behalf of a for-
20 eign person in a matter relating to an activity de-
21 scribed in paragraph (1); or

22 (3) is responsible for or complicit in inciting a
23 foreign person to engage in an activity described in
24 paragraph (1).

1 (b) UPDATES.—The President shall submit to the ap-
2 propriate congressional committees an update of the list
3 required by subsection (a) as new information becomes
4 available.

5 (c) GUIDANCE RELATING TO SUBMISSION OF CER-
6 TAIN INFORMATION.—The Secretary of State shall issue
7 public guidance, including through United States diplo-
8 matic and consular posts, relating to how names of foreign
9 persons who may be included on the list required by sub-
10 section (a) may be submitted to the Department of State.

11 (d) FORM.—

12 (1) IN GENERAL.—The list required by sub-
13 section (a) shall be submitted in unclassified form.

14 (2) EXCEPTION.—The name of a foreign person
15 to be included in the list required by subsection (a)
16 may be submitted in a classified annex only if the
17 President—

18 (A) determines that it is vital for the na-
19 tional security interests of the United States to
20 do so;

21 (B) uses the annex in a manner consistent
22 with congressional intent and the purposes of
23 this Act; and

24 (C) not later than 15 days before transmit-
25 ting the name in a classified annex, provides to

1 the appropriate congressional committees notice
2 of, and a justification for, including or con-
3 tinuing to include each foreign person in the
4 classified annex despite any publicly available
5 credible information indicating that the foreign
6 person engaged in an activity described in sub-
7 section (a).

8 (3) CONSIDERATION OF CERTAIN INFORMA-
9 TION.—In preparing the list required by subsection
10 (a), the President shall consider—

11 (A) information provided by the chair-
12 person or ranking member of each of the appro-
13 priate congressional committees; and

14 (B) credible information obtained by other
15 countries and nongovernmental organizations
16 that monitor violations of human rights.

17 (4) PUBLIC AVAILABILITY.—The unclassified
18 portion of the list required by subsection (a) shall be
19 made available to the public and published in the
20 Federal Register.

21 (e) REMOVAL FROM LIST.—A foreign person may be
22 removed from the list required by subsection (a) if the
23 President determines and reports to the appropriate con-
24 gressional committees not later than 15 days before the
25 removal of the foreign person from the list that—

1 (1) credible information exists that the foreign
2 person did not engage in the activity for which the
3 foreign person was added to the list;

4 (2) the foreign person has been prosecuted ap-
5 propriately for the activity in which the foreign per-
6 son engaged; or

7 (3) the foreign person has credibly dem-
8 onstrated a significant change in behavior, has paid
9 an appropriate consequence for the activities in
10 which the foreign person engaged, and has credibly
11 committed to not engage in an activity described in
12 subsection (a).

13 (f) REQUESTS BY CHAIRPERSON OR RANKING MEM-
14 BER OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

15 (1) IN GENERAL.—Not later than 120 days
16 after receiving a written request from the chair-
17 person or ranking member of one of the appropriate
18 congressional committees with respect to whether a
19 foreign person meets the criteria for being added to
20 the list required by subsection (a), the President
21 shall transmit a response to that chairperson or
22 ranking member, as the case may be, with respect
23 to the status of that foreign person.

24 (2) FORM.—The President may submit a re-
25 sponse required by paragraph (1) in classified form

1 if the President determines that it is necessary for
2 the national security interests of the United States
3 to do so.

4 (3) REMOVAL.—

5 (A) IN GENERAL.—If the President re-
6 moves a foreign person from the list required by
7 subsection (a), the President shall provide the
8 chairpersons and ranking members of the ap-
9 propriate congressional committees with any in-
10 formation that contributed to the decision to re-
11 move the foreign person from the list.

12 (B) FORM OF INFORMATION.—The Presi-
13 dent may submit the information required by
14 subparagraph (A) in classified form if the
15 President determines that it is necessary to the
16 national security interests of the United States
17 to do so.

18 (g) NONAPPLICABILITY OF CONFIDENTIALITY RE-
19 QUIREMENT WITH RESPECT TO VISA RECORDS.—The
20 President shall publish the list required by subsection (a)
21 without regard to the requirements of section 222(f) of
22 the Immigration and Nationality Act (8 U.S.C. 1202(f))
23 with respect to confidentiality of records pertaining to the
24 issuance or refusal of visas or permits to enter the United
25 States.

1 **SEC. 5. INADMISSIBILITY OF CERTAIN INDIVIDUALS.**

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

7 (b) CURRENT VISAS REVOKED AND REMOVAL FROM
8 UNITED STATES.—The Secretary of State shall revoke, in
9 accordance with section 221(i) of the Immigration and
10 Nationality Act (8 U.S.C. 1201(i)), the visa or other docu-
11 mentation of an individual who would be ineligible to re-
12 ceive such a visa or documentation under subsection (a),
13 and the Secretary of Homeland Security shall remove from
14 the United States such an individual.

15 (c) WAIVER FOR NATIONAL SECURITY INTERESTS.—

16 (1) IN GENERAL.—The Secretary of State and
17 the Secretary of Homeland Security, in consultation
18 with the President, may waive the application of
19 subsection (a) or (b), as the case may be, in the case
20 of an individual if—

21 (A) the Secretaries determine that such a
22 waiver—

23 (i) is necessary to permit the United
24 States to comply with the Agreement be-
25 tween the United Nations and the United
26 States of America regarding the Head-

1 quarters of the United Nations, signed
2 June 26, 1947, and entered into force No-
3 vember 21, 1947, or other applicable inter-
4 national obligations of the United States;
5 or

6 (ii) is in the national security interests
7 of the United States; and

8 (B) before granting the waiver, the Secre-
9 taries provide to the appropriate congressional
10 committees notice of, and a justification for, the
11 waiver.

12 (2) TIMING FOR NOTICE OF CERTAIN WAIV-
13 ERS.—In the case of a waiver under subparagraph
14 (A)(ii) of paragraph (1), the Secretary of State and
15 the Secretary of Homeland Security shall submit the
16 notice required by subparagraph (B) of such para-
17 graph not later than 15 days before granting the
18 waiver.

19 (d) REGULATORY AUTHORITY.—Not later than 180
20 days after the date of the enactment of this Act, the Sec-
21 retary of State and the Secretary of Homeland Security
22 shall prescribe such regulations as are necessary to carry
23 out this section.

1 **SEC. 6. REPORT TO CONGRESS.**

2 Not later than one year after the date of the enact-
3 ment of this Act, and annually thereafter, the President,
4 acting through the Secretary of State, shall submit to the
5 appropriate congressional 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) an analysis that compares increases or
15 decreases in the number of such persons year-
16 over-year and the reasons for those increases or
17 decreases; and

18 (2) efforts by the executive branch to coordinate
19 with the governments of other countries to, as ap-
20 propriate, impose sanctions that are similar to the
21 sanctions imposed under this Act.

22 **SEC. 7. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**
23 **TION OR GENDER IDENTITY.**

24 (a) TRACKING VIOLENCE OR CRIMINALIZATION RE-
25 LATED TO SEXUAL ORIENTATION OR GENDER IDEN-
26 TITY.—The Assistant Secretary of State for Democracy,

1 Human Rights, and Labor shall designate a senior officer
 2 or officers of the Bureau for Democracy, Human Rights,
 3 and Labor who shall be responsible for tracking violence,
 4 criminalization, and restrictions on the enjoyment of fun-
 5 damental freedoms, consistent with United States law, in
 6 foreign countries based on actual or perceived sexual ori-
 7 entation or gender identity.

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)(C)(ii), by striking
 15 the period at the end and inserting “; and”;
 16 and

17 (C) by adding at the end the following new
 18 paragraph:

19 “(13) wherever applicable, violence or discrimi-
 20 nation that affects the fundamental freedoms, in-
 21 cluding widespread or systematic violation of the
 22 freedoms of expression, association, or assembly (as
 23 those freedoms are interpreted under United States
 24 law), of individuals in foreign countries that is based

1 on actual or perceived sexual orientation or gender
2 identity.”; and

3 (2) in section 502B(b) (22 U.S.C. 2304(b)), by
4 inserting after the ninth sentence the following new
5 sentence: “Wherever applicable, such report shall
6 also include information regarding violence or dis-
7 crimination that affects the fundamental freedoms,
8 including widespread or systematic violation of the
9 freedoms of expression, association, or assembly (as
10 those freedoms are interpreted under United States
11 law), of individuals in foreign countries that is based
12 on actual or perceived sexual orientation or gender
13 identity.”.

○