

115TH CONGRESS
1ST SESSION

S. 1172

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

IN THE SENATE OF THE UNITED STATES

MAY 18, 2017

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 gross violations of internationally recognized human rights against lesbian, gay, bisexual, and transgender (LGBT) 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 2017”.

6 **SEC. 2. FINDINGS.**

7 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 Kyrgyzstan have recently consid-
16 ered 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) In many instances, police, prison, military,
6 and civilian government authorities have been di-
7 rectly complicit in abuses aimed at LGBT individ-
8 uals, including arbitrary arrest, torture, and sexual
9 abuse.

10 (9) Celebrations of LGBT individuals and com-
11 munities, such as film festivals, Pride events, and
12 demonstrations are often forced underground due to
13 inaction on the part of, or harassment by, local law
14 enforcement and government officials, in violation of
15 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 Relations, the Com-
 6 mittee on Homeland Security and Govern-
 7 mental Affairs, and the Committee on the Judi-
 8 ciary of the Senate; and

9 (B) the Committee on Armed Services, the
 10 Committee on Foreign Affairs, the Committee
 11 on Homeland Security, and the Committee on
 12 the Judiciary of the House of Representatives.

13 (2) FOREIGN PERSON.—The term “foreign per-
 14 son” has the meaning given that term in section
 15 595.304 of title 31, Code of Federal Regulations (as
 16 in effect on the day before the date of the enactment
 17 of this Act).

18 **SEC. 4. IDENTIFICATION OF FOREIGN PERSONS RESPON-**
 19 **SIBLE FOR GROSS VIOLATIONS OF HUMAN**
 20 **RIGHTS.**

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

1 (1) is responsible for or complicit in torture,
2 cruel, inhuman, or degrading treatment or punish-
3 ment, prolonged detention without charges and trial,
4 causing disappearance by abduction and clandestine
5 detention, or other flagrant denials of the right to
6 life, liberty, or security of the person based on actual
7 or perceived sexual orientation or gender identity;

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

11 (3) is responsible for or complicit in inciting a
12 foreign person to engage in an activity described in
13 paragraph (1).

14 (b) UPDATES.—The President shall submit to the ap-
15 propriate congressional committees an update of the list
16 required by subsection (a) as new information becomes
17 available.

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

24 (d) FORM.—

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

3 (2) EXCEPTION.—The name of a foreign person
4 to be included in the list required by subsection (a)
5 may be submitted in a classified annex only if the
6 President—

7 (A) determines that it is vital for the na-
8 tional security interests of the United States to
9 do so;

10 (B) uses the annex in a manner consistent
11 with congressional intent and the purposes of
12 this Act; and

13 (C) not later than 15 days before submit-
14 ting the name in a classified annex, provides to
15 the appropriate congressional committees notice
16 of, and a justification for, including or con-
17 tinuing to include each foreign person in the
18 classified annex despite any publicly available
19 credible information indicating that the foreign
20 person engaged in an activity described in sub-
21 section (a).

22 (3) CONSIDERATION OF CERTAIN INFORMA-
23 TION.—In preparing the list required by subsection
24 (a), the President shall consider—

1 (A) information provided by the chair-
2 person or ranking member of each of the appro-
3 priate congressional committees; and

4 (B) credible information obtained by other
5 countries and nongovernmental organizations
6 that monitor violations of human rights.

7 (4) PUBLIC AVAILABILITY.—The unclassified
8 portion of the list required by subsection (a) shall be
9 made available to the public and published in the
10 Federal Register.

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

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

19 (2) the foreign person has been prosecuted ap-
20 propriately for the activity in which the foreign per-
21 son engaged; or

22 (3) the foreign person has credibly dem-
23 onstrated a significant change in behavior, has paid
24 an appropriate consequence for the activities in
25 which the foreign person engaged, and has credibly

1 committed to not engage in an activity described in
2 subsection (a).

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

5 (1) IN GENERAL.—Not later than 120 days
6 after receiving a written request from the chair-
7 person or ranking member of one of the appropriate
8 congressional committees with respect to whether a
9 foreign person meets the criteria for being added to
10 the list required by subsection (a), the President
11 shall submit a response to that chairperson or rank-
12 ing member, as the case may be, with respect to the
13 status of that foreign person.

14 (2) FORM.—The President may submit a re-
15 sponse required by paragraph (1) in classified form
16 if the President determines that it is necessary for
17 the national security interests of the United States
18 to do so.

19 (3) REMOVAL.—

20 (A) IN GENERAL.—If the President re-
21 moves a foreign person from the list required by
22 subsection (a), the President shall provide the
23 chairpersons and ranking members of the ap-
24 propriate congressional committees with any in-

1 formation that contributed to the decision to re-
2 move the foreign person from the list.

3 (B) FORM OF INFORMATION.—The Presi-
4 dent may submit the information required by
5 subparagraph (A) in classified form if the
6 President determines that it is necessary to the
7 national security interests of the United States
8 to do so.

9 (g) NONAPPLICABILITY OF CONFIDENTIALITY RE-
10 QUIREMENT WITH RESPECT TO VISA RECORDS.—The
11 President shall publish the list required by subsection (a)
12 without regard to the requirements of section 222(f) of
13 the Immigration and Nationality Act (8 U.S.C. 1202(f))
14 with respect to confidentiality of records pertaining to the
15 issuance or refusal of visas or permits to enter the United
16 States.

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

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

23 (b) CURRENT VISAS REVOKED AND REMOVAL FROM
24 UNITED STATES.—The Secretary of State shall revoke, in
25 accordance with section 221(i) of the Immigration and

1 Nationality Act (8 U.S.C. 1201(i)), the visa or other docu-
 2 mentation of an individual who would be ineligible to re-
 3 ceive such a visa or documentation under subsection (a),
 4 and the Secretary of Homeland Security shall remove from
 5 the United States such an individual.

6 (c) WAIVER FOR NATIONAL SECURITY INTERESTS.—

7 (1) IN GENERAL.—The Secretary of State and
 8 the Secretary of Homeland Security, in consultation
 9 with the President, may waive the application of
 10 subsection (a) or (b), as the case may be, in the case
 11 of an individual if—

12 (A) the Secretaries determine that such a
 13 waiver—

14 (i) is necessary to permit the United
 15 States to comply with the Agreement be-
 16 tween the United Nations and the United
 17 States of America regarding the Head-
 18 quarters of the United Nations, signed
 19 June 26, 1947, and entered into force No-
 20 vember 21, 1947, or other applicable inter-
 21 national obligations of the United States;
 22 or

23 (ii) is in the national security interests
 24 of the United States; and

1 (B) before granting the waiver, the Secre-
2 taries provide to the appropriate congressional
3 committees notice of, and a justification for, the
4 waiver.

5 (2) TIMING FOR NOTICE OF CERTAIN WAIV-
6 ERS.—In the case of a waiver under subparagraph
7 (A)(ii) of paragraph (1), the Secretary of State and
8 the Secretary of Homeland Security shall submit the
9 notice required by subparagraph (B) of such para-
10 graph not later than 15 days before granting the
11 waiver.

12 (d) REGULATORY AUTHORITY.—Not later than 180
13 days after the date of the enactment of this Act, the Sec-
14 retary of State and the Secretary of Homeland Security
15 shall prescribe such regulations as are necessary to carry
16 out this section.

17 **SEC. 6. REPORT TO CONGRESS.**

18 Not later than one year after the date of the enact-
19 ment of this Act, and annually thereafter, the President,
20 acting through the Secretary of State, shall submit to the
21 appropriate congressional committees a report on—

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

24 (A) the number of foreign persons added
25 to or removed from the list required by section

1 4(a) during the year preceding the report, the
2 dates on which those persons were added or re-
3 moved, and the reasons for adding or removing
4 those persons; and

5 (B) an analysis that compares increases or
6 decreases in the number of such persons year-
7 over-year and the reasons for those increases or
8 decreases; and

9 (2) efforts by the executive branch to coordinate
10 with the governments of other countries to, as ap-
11 propriate, impose sanctions that are similar to the
12 sanctions imposed under this Act.

13 **SEC. 7. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**
14 **TION OR GENDER IDENTITY.**

15 (a) TRACKING VIOLENCE OR CRIMINALIZATION RE-
16 LATED TO SEXUAL ORIENTATION OR GENDER IDEN-
17 TITY.—The Assistant Secretary of State for Democracy,
18 Human Rights, and Labor shall designate a senior officer
19 or officers of the Bureau for Democracy, Human Rights,
20 and Labor who shall be responsible for tracking violence,
21 criminalization, and restrictions on the enjoyment of fun-
22 damental freedoms in foreign countries based on actual
23 or perceived sexual orientation or gender identity.

1 (b) ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS
2 PRACTICES.—The Foreign Assistance Act of 1961 is
3 amended—

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

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

7 (B) in paragraph (12)(C)(ii), by striking
8 the period at the end and inserting “; and”;
9 and

10 (C) by adding at the end the following:

11 “(13) wherever applicable, violence or discrimi-
12 nation that affects the fundamental freedoms, in-
13 cluding widespread or systematic violation of the
14 freedoms of expression, association, or assembly, of
15 individuals in foreign countries that is based on ac-
16 tual or perceived sexual orientation or gender iden-
17 tity.”; and

18 (2) in section 502B(b) (22 U.S.C. 2304(b)), by
19 inserting after the ninth sentence the following:
20 “Wherever applicable, such report shall also include
21 information regarding violence or discrimination that
22 affects the fundamental freedoms, including wide-
23 spread or systematic violation of the freedoms of ex-
24 pression, association, or assembly, of individuals in

- 1 foreign countries that is based on actual or perceived
- 2 sexual orientation or gender identity.”.

