

Shaheen 1st Degree #3

+Portman  
+Markey

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To impose sanctions on foreign persons responsible for violations of internationally recognized human rights against lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) individuals.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**

**S. 4653**

To provide for certain authorities of the Department of State, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. SHAHEEN

Viz:

1 At the end, add the following:

2 **TITLE IX—GLOBAL RESPECT**  
3 **ACT**

4 **SEC. 901. SHORT TITLE.**

5 This title may be cited as the “Global Respect Act”.

6 **SEC. 902. FINDINGS.**

7 Congress finds the following:

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

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

5           (3) An alarming trend of violence directed at  
6 LGBTQI individuals around the world continues.

7           (4) Approximately one-third of all countries  
8 have laws criminalizing consensual same-sex rela-  
9 tions, and many have enacted policies or laws that  
10 would further target LGBTQI individuals.

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

15           (6) Those who commit crimes against LGBTQI  
16 individuals often do so with impunity and are not  
17 held accountable for their crimes.

18           (7) Homophobic and transphobic statements by  
19 government officials in many countries in every re-  
20 gion of the world promote negative public attitudes  
21 and can lead to violence toward LGBTQI individ-  
22 uals.

23           (8) In many instances police, prison, military,  
24 and civilian government authorities have been di-  
25 rectly complicit in abuses aimed at LGBTQI citi-

1 zens, including arbitrary arrest, torture, and sexual  
2 abuse.

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

9 (10) Laws criminalizing consensual same-sex  
10 relations severely hinder access to HIV/AIDS treat-  
11 ment, information, and preventive measures for  
12 LGBTQI individuals and families.

13 (11) Many countries are making positive devel-  
14 opments in the protection of the basic human rights  
15 of LGBTQI individuals.

16 **SEC. 903. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR**  
17 **VIOLATIONS OF HUMAN RIGHTS AGAINST**  
18 **LGBTQI PEOPLE.**

19 (a) IN GENERAL.—Not later than 180 days after the  
20 date of the enactment of this Act and biannually there-  
21 after, the President shall transmit to the appropriate con-  
22 gressional committees a list of each foreign person the  
23 President determines, based on credible information, in-  
24 cluding information obtained by other countries or by non-

1 governmental organizations that monitor violations of  
2 human rights—

3 (1) is responsible for or complicit in, with re-  
4 spect to persons based on actual or perceived sexual  
5 orientation, gender identity, or sex characteristics—

6 (A) cruel, inhuman, or degrading treat-  
7 ment or punishment;

8 (B) prolonged detention without charges  
9 and trial;

10 (C) causing the disappearance of such per-  
11 sons by the abduction and clandestine detention  
12 of such persons; or

13 (D) other flagrant denial of the right to  
14 life, liberty, or the security of such persons;

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

18 (3) is responsible for or complicit in inciting a  
19 foreign person to engage in an activity described in  
20 paragraph (1).

21 (b) FORM; UPDATES; REMOVAL.—

22 (1) FORM.—The list required by subsection (a)  
23 shall be transmitted in unclassified form and pub-  
24 lished in the Federal Register without regard to the  
25 requirements of section 222(f) of the Immigration

1 and Nationality Act (8 U.S.C. 1202(f)) with respect  
2 to confidentiality of records pertaining to the  
3 issuance or refusal of visas or permits to enter the  
4 United States, except that the President may include  
5 a foreign person in a classified, unpublished annex  
6 to such list if the President—

7 (A) determines that—

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

10 (ii) the use of such annex, and the in-  
11 clusion of such person in such annex,  
12 would not undermine the overall purpose of  
13 this section to publicly identify foreign per-  
14 sons engaging in the conduct described in  
15 subsection (a) in order to increase account-  
16 ability for such conduct; and

17 (B) not later than 15 days before including  
18 such person in a classified annex, provides to  
19 the appropriate congressional committees notice  
20 of, and a justification for, including or con-  
21 tinuing to include each foreign person in such  
22 annex despite the existence of any publicly  
23 available credible information indicating that  
24 each such foreign person engaged in an activity  
25 described in subsection (a).

1           (2) UPDATES.—The President shall transmit to  
2           the appropriate congressional committees an update  
3           of the list required by subsection (a) as new infor-  
4           mation becomes available.

5           (3) REMOVAL.—A foreign person may be re-  
6           moved from the list required by subsection (a) if the  
7           President determines and reports to the appropriate  
8           congressional committees not later than 15 days be-  
9           fore the removal of such person from such list  
10          that—

11                   (A) credible information exists that such  
12                   person did not engage in the activity for which  
13                   the person was included in such list;

14                   (B) such person has been prosecuted ap-  
15                   propriately for the activity in which such person  
16                   engaged; or

17                   (C) such person has credibly demonstrated  
18                   a significant change in behavior, has paid an  
19                   appropriate consequence for the activities in  
20                   which such person engaged, and has credibly  
21                   committed to not engage in an activity de-  
22                   scribed in subsection (a).

23          (e) PUBLIC SUBMISSION OF INFORMATION.—The  
24          President shall issue public guidance, including through  
25          United States diplomatic and consular posts, setting forth

1 the manner by which the names of foreign persons that  
2 may meet the criteria to be included on the list required  
3 by subsection (a) may be submitted to the Department  
4 of State for evaluation.

5 (d) REQUESTS FROM CHAIR AND RANKING MEMBER  
6 OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

7 (1) CONSIDERATION OF INFORMATION.—In ad-  
8 dition to the guidance issued pursuant to subsection  
9 (c), the President shall also consider information  
10 provided by the Chair or Ranking Member of each  
11 of the appropriate congressional committees in de-  
12 termining whether to include a foreign person in the  
13 list required by subsection (a).

14 (2) REQUESTS.—Not later than 120 days after  
15 receiving a written request from the Chair or Rank-  
16 ing Member of one of the appropriate congressional  
17 committees with respect to whether a foreign person  
18 meets the criteria for being included in the list re-  
19 quired by subsection (a), the President shall trans-  
20 mit a response to such Chair or Ranking Member,  
21 as the case may be, with respect to the President's  
22 determination relating to such foreign person.

23 (3) REMOVAL.—If the President removes from  
24 the list required by subsection (a) a foreign person  
25 that had been included in such list pursuant to a re-

1       quest under paragraph (2), the President shall pro-  
2       vide to the relevant Chair or Ranking Member of  
3       one of the appropriate congressional committees any  
4       information that contributed to such decision.

5           (4) FORM.—The President may transmit a re-  
6       sponse required by paragraph (2) or paragraph (3)  
7       in classified form if the President determines that it  
8       is necessary for the national security interests of the  
9       United States to do so.

10       (e) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

11           (1) INELIGIBILITY FOR VISAS AND ADMISSION  
12       TO THE UNITED STATES.—A foreign person on the  
13       list required by subsection (a), and each immediate  
14       family member of such person, is—

15           (A) inadmissible to the United States;

16           (B) ineligible to receive a visa or other doc-  
17       umentation to enter the United States; and

18           (C) otherwise ineligible to be admitted or  
19       paroled into the United States or to receive any  
20       other benefit under the Immigration and Na-  
21       tionality Act (8 U.S.C. 1101 et seq.).

22       (2) CURRENT VISAS REVOKED.—

23           (A) IN GENERAL.—The issuing consular  
24       officer or the Secretary of State (or a designee  
25       of the Secretary of State) shall, in accordance



1 with section 221(i) of the Immigration and Na-  
2 tionality Act (8 U.S.C. 1201(i)), revoke any  
3 visa or other entry documentation issued to a  
4 foreign person on the list required by subsection  
5 (a) and to each immediate family member of  
6 such person regardless of when the visa or  
7 other entry documentation is issued.

8 (B) EFFECT OF REVOCATION.—A revoca-  
9 tion under subparagraph (A) shall—

- 10 (i) take effect immediately; and  
11 (ii) automatically cancel any other  
12 valid visa or entry documentation that is in  
13 the foreign person's possession.

14 (C) REGULATIONS REQUIRED.—Not later  
15 than 180 days after the date of the enactment  
16 of this Act, the Secretary of State shall pre-  
17 scribe such regulations as are necessary to  
18 carry out this subsection.

19 (3) SENSE OF CONGRESS WITH RESPECT TO  
20 ADDITIONAL SANCTIONS.—It is the sense of Con-  
21 gress that the President should impose additional  
22 targeted sanctions with respect to foreign persons on  
23 the list required by subsection (a) to push for ac-  
24 countability for flagrant denials of the right to life,  
25 liberty, or the security of the person, through the

1 use of designations and targeted sanctions provided  
2 for such conduct under other existing authorities.

3 (4) WAIVERS IN THE INTEREST OF NATIONAL  
4 SECURITY.—

5 (A) IN GENERAL.—The President may  
6 waive the application of paragraph (1) or (2)  
7 with respect to a foreign person included in the  
8 list required by subsection (a) if the President  
9 determines and transmits to the appropriate  
10 congressional committees notice and justifica-  
11 tion, that such a waiver—

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

21 (ii) is in the national security interests  
22 of the United States.

23 (B) TIMING OF CERTAIN WAIVERS.—A  
24 waiver pursuant to a determination under  
25 clause (ii) of subparagraph (A) shall be trans-

1           mitted not later than 15 days before the grant-  
2           ing of such waiver.

3           (f) REPORT TO CONGRESS.—Not later than one year  
4 after the date of the enactment of this Act and annually  
5 thereafter, the President, acting through the Secretary of  
6 State, shall submit to the appropriate congressional com-  
7 mittees a report on—

8           (1) the actions taken to carry out this section,  
9           including—

10           (A) the number of foreign persons added  
11           to or removed from the list required by sub-  
12           section (a) during the year preceding each such  
13           report, the dates on which such persons were so  
14           added or removed, and the reasons for so add-  
15           ing or removing such persons; and

16           (B) an analysis that compares increases or  
17           decreases in the number of such persons added  
18           or removed year-over-year and the reasons  
19           therefor; and

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

24           (g) DEFINITIONS.—In this section:

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) IMMEDIATE FAMILY MEMBER.—The term  
15          “immediate family member” has the meaning given  
16          such term for purposes of section 7031(c) of division  
17          K of the Consolidated Appropriations Act, 2021  
18          (Public Law 116–260; 134 Stat. 1743).

19 **SEC. 904. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**  
20 **TION, GENDER IDENTITY, OR SEX CHARAC-**  
21 **TERISTICS.**

22          (a) TRACKING VIOLENCE OR CRIMINALIZATION RE-  
23          LATED TO SEXUAL ORIENTATION OR GENDER IDEN-  
24          TITY.—The Assistant Secretary of State for Democracy,  
25          Human Rights, and Labor shall designate a Bureau-based

1 senior officer or officers who shall be responsible for track-  
2 ing violence, criminalization, and restrictions on the enjoy-  
3 ment of fundamental freedoms in foreign countries based  
4 on actual or perceived sexual orientation, gender identity,  
5 or sex characteristics.

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

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

10 (A) in paragraph (11)(C), by striking  
11 “and” after the semicolon at the end;

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

15 (C) by adding at the end the following new  
16 paragraph:

17 “(13) wherever applicable, information relating  
18 to violence or discrimination that affects funda-  
19 mental freedoms, including widespread or systematic  
20 violation of the freedoms of expression, association,  
21 or assembly, of individuals in foreign countries that  
22 is based on actual or perceived sexual orientation,  
23 gender identity, or sex characteristics.”; and

24 (2) in section 502B(b) (22 U.S.C. 2304(b)), by  
25 inserting after the ninth sentence the following new

1 sentence: “Wherever applicable, such report shall  
2 also include information relating to violence or dis-  
3 crimination that affects the fundamental freedoms,  
4 including widespread or systematic violation of the  
5 freedoms of expression, association, or assembly, of  
6 individuals in foreign countries that is based on ac-  
7 tual or perceived sexual orientation, gender identity,  
8 or sex characteristics.”.