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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

To impose sanctions on foreign persons responsible for violations of internationally recognized human rights against lesbian, gay, bisexual, transgender, or intersex (LGBTI) individuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CICILLINE introduced the following bill; which was referred to the Committee on _____

A BILL

To impose sanctions on foreign persons responsible for violations of internationally recognized human rights against lesbian, gay, bisexual, transgender, or 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 **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 human rights.

8 (3) An alarming trend of violence directed at
9 LGBTI individuals around the world continues.

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

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

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

21 (7) Homophobic and transphobic statements by
22 government officials in many countries in every re-
23 gion of the world promote negative public attitudes
24 and can lead to violence toward LGBTI individuals.

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

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

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

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

18 **SEC. 3. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR**
19 **VIOLATIONS OF HUMAN RIGHTS AGAINST**
20 **LGBTI PEOPLE.**

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

1 cluding information obtained by other countries or by non-
2 governmental organizations that monitor violations of
3 human rights—

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

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

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

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

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

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

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

22 (b) FORM; UPDATES; REMOVAL.—

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

1 requirements of section 222(f) of the Immigration
2 and Nationality Act (8 U.S.C. 1202(f)) with respect
3 to confidentiality of records pertaining to the
4 issuance or refusal of visas or permits to enter the
5 United States, except that the President may include
6 a foreign person in a classified, unpublished annex
7 to such list if the President—

8 (A) determines that—

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

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

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

1 each such foreign person engaged in an activity
2 described in subsection (a).

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

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

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

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

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

1 (c) PUBLIC SUBMISSION OF INFORMATION.—The
2 President shall issue public guidance, including through
3 United States diplomatic and consular posts, setting forth
4 the manner by which the names of foreign persons that
5 may meet the criteria to be included on the list required
6 by subsection (a) may be submitted to the Department
7 of State for evaluation.

8 (d) REQUESTS FROM CHAIR AND RANKING MEMBER
9 OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

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

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

1 (3) REMOVAL.—If the President removes from
2 the list required by subsection (a) a foreign person
3 that had been included in such list pursuant to a re-
4 quest under paragraph (2), the President shall pro-
5 vide to the relevant Chair or Ranking Member of
6 one of the appropriate congressional committees any
7 information that contributed to such decision.

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

13 (e) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

14 (1) INELIGIBILITY FOR VISAS AND ADMISSION
15 TO THE UNITED STATES.—A foreign person on the
16 list required by subsection (a) is—

17 (A) inadmissible to the United States;

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

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

24 (2) CURRENT VISAS REVOKED.—

1 (A) IN GENERAL.—The issuing consular
2 officer or the Secretary of State, (or a designee
3 of the Secretary of State) shall, in accordance
4 with section 221(i) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1201(i)), revoke any
6 visa or other entry documentation issued to a
7 foreign person on the list required by subsection
8 (a) regardless of when the visa or other entry
9 documentation is issued.

10 (B) EFFECT OF REVOCATION.—A revoca-
11 tion under subparagraph (A) shall—

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

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

21 (D) EXCEPTION TO COMPLY WITH INTER-
22 NATIONAL OBLIGATIONS.—Sanctions under this
23 subsection shall not apply with respect to a for-
24 eign person if admitting or paroling such
25 person into the United States is necessary to

1 permit the United States to comply with the
2 Agreement regarding the Headquarters of the
3 United Nations, signed at Lake Success June
4 26, 1947, and entered into force November 21,
5 1947, between the United Nations and the
6 United States, or other applicable international
7 obligations.

8 (3) SENSE OF CONGRESS WITH RESPECT TO
9 ADDITIONAL SANCTIONS.—It is the sense of Con-
10 gress that the President should impose additional
11 targeted sanctions with respect to foreign persons on
12 the list required by subsection (a) to push for ac-
13 countability for flagrant denials of the right to life,
14 liberty, or the security of the person, through the
15 use of designations and targeted sanctions provided
16 for such conduct under other existing authorities.

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

19 (A) IN GENERAL.—The President may
20 waive the application of paragraph (1) or (2)
21 with respect to a foreign person included in the
22 list required by subsection (a) if the President
23 determines and transmits to the appropriate
24 congressional committees notice and justifica-
25 tion, that such a waiver—

1 (i) is necessary to permit the United
2 States to comply with the Agreement be-
3 tween the United Nations and the United
4 States of America regarding the Head-
5 quarters of the United Nations, signed
6 June 26, 1947, and entered into force No-
7 vember 21, 1947, or other applicable inter-
8 national obligations of the United States;
9 or

10 (ii) is in the national security interests
11 of the United States.

12 (B) TIMING OF CERTAIN WAIVERS.—A
13 waiver pursuant to a determination under
14 clause (ii) of subparagraph (A) shall be trans-
15 mitted not later than 15 days before the grant-
16 ing of such waiver.

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

22 (1) the actions taken to carry out this section,
23 including—

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

1 section (a) during the year preceding each such
2 report, the dates on which such persons were so
3 added or removed, and the reasons for so add-
4 ing or removing such persons; and

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

9 (2) any efforts by the President to coordinate
10 with the governments of other countries, as appro-
11 priate, to impose sanctions that are similar to the
12 sanctions imposed under this section.

13 (g) DEFINITIONS.—In this section:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committee on Armed Services, the
18 Committee on Foreign Affairs, the Committee
19 on Homeland Security, and the Committee on
20 the Judiciary of the House of Representatives;
21 and

22 (B) the Committee on Armed Services, the
23 Committee on Foreign Relations, the Com-
24 mittee on Homeland Security and Govern-

1 mental Affairs, and the Committee on the Judi-
2 ciary of the Senate.

3 (2) FOREIGN PERSON.—The term “foreign per-
4 son” has the meaning given such term in section
5 595.304 of title 31, Code of Federal Regulations (as
6 in effect on the day before the date of the enactment
7 of this Act).

8 (3) PERSON.—The term “person” has the
9 meaning given such term in section 591.308 of title
10 31, Code of Federal Regulations (as in effect on the
11 day before the date of the enactment of this Act).

12 **SEC. 4. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**
13 **TION, GENDER IDENTITY, OR SEX CHARAC-**
14 **TERISTICS.**

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 Bureau-based
19 senior officer or officers who shall be responsible for track-
20 ing violence, criminalization, and restrictions on the enjoy-
21 ment of fundamental freedoms in foreign countries based
22 on actual or perceived sexual orientation, gender identity,
23 or sex characteristics.

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” after the semicolon at the end;

7 (B) in paragraph (12)—

8 (i) in subparagraph (B), by striking
9 “and” after the semicolon at the end; and

10 (ii) in subparagraph (C)(ii), by strik-
11 ing the period at the end and inserting “;
12 and”; and

13 (C) by adding at the end the following new
14 paragraph:

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

22 (2) in section 502B(b) (22 U.S.C. 2304(b)), by
23 inserting after the ninth sentence the following new
24 sentence: “Wherever applicable, such report shall
25 also include information relating to violence or dis-

1 crimination that affects the fundamental freedoms,
2 including widespread or systematic violation of the
3 freedoms of expression, association, or assembly, of
4 individuals in foreign countries that is based on ac-
5 tual or perceived sexual orientation, gender identity,
6 or sex characteristics.”.