

114TH CONGRESS
1ST SESSION

H. R. 2368

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 HOUSE OF REPRESENTATIVES

MAY 15, 2015

Mr. CICILLINE (for himself, Mr. ENGEL, Mr. LOWENTHAL, Mr. HONDA, Mr. TAKANO, Mr. MCGOVERN, Mr. KEATING, Mr. McDERMOTT, Ms. FRANKEL of Florida, Ms. LEE, Mr. CÁRDENAS, Ms. WILSON of Florida, Mr. POCAN, Ms. JUDY CHU of California, and Mr. RANGEL) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

10 (3) An alarming trend of violence directed at
11 LGBT individuals around the 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, Russia, Uganda, and
15 Ukraine have recently considered or passed legisla-
16 tion that would further target LGBT individuals.

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

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

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

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

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

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

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

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

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means—

1 (A) the Committee on Armed Services, the
2 Committee on Foreign Affairs, the Committee
3 on Homeland Security, and the Committee on
4 the Judiciary of the House of Representatives;
5 and

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

11 (2) FOREIGN PERSON.—The term “foreign per-
12 son” means a person that is not a United States
13 person.

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

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

18 (A) a United States citizen or an alien law-
19 fully admitted for permanent residence to the
20 United States; or

21 (B) an entity organized under the laws of
22 the United States or of any jurisdiction within
23 the United States, including a foreign branch of
24 such an entity.

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

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act and biannually there-
6 after, the President shall transmit to the appropriate con-
7 gressional committees a list of each foreign person that
8 the President determines, based on credible information—

9 (1) is responsible for or complicit in the
10 extrajudicial killing, torture, or other gross violation
11 of internationally recognized human rights, including
12 widespread or systematic violation of the funda-
13 mental freedoms of expression, association, or as-
14 sembly, committed against an individual in a foreign
15 country based on actual or perceived sexual orienta-
16 tion or gender identity;

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

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

23 (b) UPDATES.—The President shall transmit to the
24 appropriate congressional committees an update of the list
25 required by subsection (a) as new information becomes
26 available.

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

7 (d) FORM.—

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

10 (2) EXCEPTION.—The name of a foreign person
11 to be included in the list required by subsection (a)
12 may be transmitted in a classified annex only if the
13 President—

14 (A) determines that it is vital for the na-
15 tional security interests of the United States to
16 do so;

17 (B) uses the annex in a manner consistent
18 with congressional intent and the purposes of
19 this Act; and

20 (C) not later than 15 days before transmit-
21 ting the name in a classified annex, provides to
22 the appropriate congressional committees notice
23 of, and a justification for, including or con-
24 tinuing to include each foreign person in the
25 classified annex despite any publicly available

1 credible information indicating that the foreign
2 person engaged in an activity described in para-
3 graph (1) or (2) of subsection (a).

4 (3) CONSIDERATION OF CERTAIN INFORMA-
5 TION.—In preparing the list required by subsection
6 (a), the President shall consider—

7 (A) information provided by the Chair-
8 person or Ranking Member of each of the ap-
9 propriate congressional committees; and

10 (B) credible information obtained by other
11 countries and nongovernmental organizations
12 that monitor violations of human rights.

13 (4) PUBLIC AVAILABILITY.—The unclassified
14 portion of the list required by subsection (a) shall be
15 made available to the public and published in the
16 Federal Register.

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

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

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

4 (3) the foreign person has credibly dem-
5 onstrated a significant change in behavior, has paid
6 an appropriate consequence for the activities in
7 which the foreign person engaged, and has credibly
8 committed to not engage in an activity described in
9 paragraph (1) or (2) of subsection (a).

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

12 (1) IN GENERAL.—Not later than 120 days
13 after receiving a written request from the Chair-
14 person or Ranking Member of one of the appropriate
15 congressional committees with respect to whether a
16 foreign person meets the criteria for being added to
17 the list required by subsection (a), the President
18 shall transmit a response to that Chairperson or
19 Ranking Member, as the case may be, with respect
20 to the status of the foreign person at issue.

21 (2) FORM.—The President may transmit a re-
22 sponse required by paragraph (1) in classified form
23 if the President determines that it is necessary for
24 the national security interests of the United States
25 to do so.

1 (3) REMOVAL.—

2 (A) IN GENERAL.—If the President re-
3 moves from the list required by subsection (a)
4 a foreign person that has been placed on the
5 list, the President shall provide the Chair-
6 persons and Ranking Members of the appro-
7 priate congressional committees with any infor-
8 mation that contributed to such removal deci-
9 sion.

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

16 (g) NONAPPLICABILITY OF CONFIDENTIALITY RE-
17 QUIREMENT WITH RESPECT TO VISA RECORDS.—The
18 President shall publish the list required by subsection (a)
19 without regard to the requirements of section 222(f) of
20 the Immigration and Nationality Act (8 U.S.C. 1202(f))
21 with respect to confidentiality of records pertaining to the
22 issuance or refusal of visas or permits to enter the United
23 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 Secretaries shall submit
15 the notice required by subparagraph (B) of such
16 paragraph not later than 15 days before granting
17 the waiver.

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

23 **SEC. 6. REPORT TO CONGRESS.**

24 Not later than one year after the date of the enact-
25 ment of this Act and annually thereafter, the President,

1 acting through the Secretary of State, shall submit to the
2 appropriate congressional committees a report on—

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

5 (A) the number of foreign persons added
6 to or removed from the list required by section
7 4(a) during the year preceding each report, the
8 dates on which those persons were added or re-
9 moved, and the reasons for adding or removing
10 those persons; and

11 (B) an analysis that compares increases or
12 decreases in the number of such persons year-
13 over-year and the reasons therefor; and

14 (2) efforts by the executive branch to coordinate
15 with the governments of other countries to, as ap-
16 propriate, impose sanctions that are similar to the
17 sanctions imposed under this Act.

18 **SEC. 7. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**
19 **TION OR GENDER IDENTITY.**

20 (a) TRACKING VIOLENCE OR CRIMINALIZATION RE-
21 LATED TO SEXUAL ORIENTATION OR GENDER IDEN-
22 TITY.—The Assistant Secretary of State for Democracy,
23 Human Rights and Labor shall designate a Bureau-based
24 senior officer or officers who shall be responsible for track-
25 ing violence, criminalization, and restrictions on the enjoy-

1 ment of fundamental freedoms, consistent with United
2 States law, in foreign countries based on actual or per-
3 ceived sexual orientation or gender identity.

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

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

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

10 (B) in paragraph (12)—

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

13 (ii) in subparagraph (C)(ii), by strik-
14 ing the period at the end and inserting “;
15 and”; and

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

18 “(13) wherever applicable, violence or discrimi-
19 nation that affects the fundamental freedoms, in-
20 cluding widespread or systematic violation of the
21 freedoms of expression, association, or assembly,
22 consistent with United States law, of an individual
23 in foreign countries that is based on actual or per-
24 ceived sexual orientation or gender identity.”; and

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

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