

113TH CONGRESS  
2D SESSION

# H. R. 4907

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2014

Mr. CICILLINE (for himself, Mr. ENGEL, Ms. LOFGREN, Ms. SPEIER, Mr. MCGOVERN, Mr. SEAN PATRICK MALONEY of New York, Mr. TAKANO, Ms. WILSON of Florida, Mr. McDERMOTT, Mr. LOWENTHAL, Mr. POCAN, Ms. ROYBAL-ALLARD, Mr. POLIS, Ms. ESHOO, Ms. FRANKEL of Florida, Ms. LEE of California, and Mr. MURPHY of Florida) 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

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## 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 for Democracy, Human  
23 Rights and Labor shall designate a Bureau-based senior  
24 officer or officers who shall be responsible for tracking vio-  
25 lence, criminalization, and restrictions on the enjoyment

1 of fundamental freedoms, consistent with United States  
2 law, in foreign countries based on actual or perceived sex-  
3 ual 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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