

116TH CONGRESS  
1ST SESSION

# H. R. 3252

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2019

Mr. CICILLINE (for himself, Ms. BONAMICI, Mr. BEYER, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Ms. CLARK of Massachusetts, Mr. CARBAJAL, Mr. CONNOLLY, Mr. CUMMINGS, Mr. DEUTCH, Mr. DESAULNIER, Ms. FRANKEL, Mr. GALLEGRO, Mr. GOTTHEIMER, Mr. GRIJALVA, Mr. HIMES, Mr. HUFFMAN, Ms. JACKSON LEE, Mr. KEATING, Ms. KELLY of Illinois, Mr. KILDEE, Mr. KILMER, Mr. KIND, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN of Michigan, Mr. LOWENTHAL, Mr. NADLER, Mrs. CAROLYN B. MALONEY of New York, Mr. MCGOVERN, Mr. MEEKS, Ms. MENG, Ms. NORTON, Ms. OCASIO-CORTEZ, Ms. OMAR, Mr. PASCRELL, Mr. PAPPAS, Mr. PALLONE, Ms. PINGREE, Mr. POCAN, Miss RICE of New York, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Mr. TAKANO, Ms. TITUS, Mrs. TORRES of California, Mrs. WATSON COLEMAN, Ms. WASSERMAN SCHULTZ, Mr. ENGEL, Mrs. KIRKPATRICK, and Mrs. LOWEY) 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 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:

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

10          (2) The rights to life, liberty, and security of  
11        the person, the right to privacy, and the right to  
12        freedom of expression and association are funda-  
13        mental human rights.

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

16          (4) Approximately one-third of all countries  
17        have laws criminalizing consensual same-sex rela-  
18        tions, and many have enacted policies or laws that  
19        would further target LGBTI individuals.

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

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

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

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

12           (9) Celebrations of LGBTI individuals and  
13 communities, such as film festivals, Pride events,  
14 and demonstrations are often forced underground  
15 due to inaction on the part of, or harassment by,  
16 local law enforcement and government officials, in  
17 violation of freedoms of assembly and expression.

18           (10) Laws criminalizing consensual same-sex  
19 relations severely hinder access to HIV/AIDS treat-  
20 ment, information, and preventive measures for  
21 LGBTI individuals and families.

22           (11) Many countries are making positive devel-  
23 opments in the protection of the basic human rights  
24 of LGBTI individuals.

1 **SEC. 3. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR**  
2 **VIOLATIONS OF HUMAN RIGHTS AGAINST**  
3 **LGBTI PEOPLE.**

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 the  
8 President determines, based on credible information, in-  
9 cluding information obtained by other countries or by non-  
10 governmental organizations that monitor violations of  
11 human rights—

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

15 (A) cruel, inhuman, or degrading treat-  
16 ment or punishment;

17 (B) prolonged detention without charges  
18 and trial;

19 (C) causing the disappearance of such per-  
20 sons by the abduction and clandestine detention  
21 of such persons; or

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

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

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

4           (b) FORM; UPDATES; REMOVAL.—

5           (1) FORM.—The list required by subsection (a)  
6 shall be transmitted in unclassified form and pub-  
7 lished in the Federal Register without regard to the  
8 requirements of section 222(f) of the Immigration  
9 and Nationality Act (8 U.S.C. 1202(f)) with respect  
10 to confidentiality of records pertaining to the  
11 issuance or refusal of visas or permits to enter the  
12 United States, except that the President may include  
13 a foreign person in a classified, unpublished annex  
14 to such list if the President—

15           (A) determines that—

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

18           (ii) the use of such annex, and the in-  
19 clusion of such person in such annex,  
20 would not undermine the overall purpose of  
21 this section to publicly identify foreign per-  
22 sons engaging in the conduct described in  
23 subsection (a) in order to increase account-  
24 ability for such conduct; and

1 (B) not later than 15 days before including  
2 such person in a classified annex, provides to  
3 the appropriate congressional committees notice  
4 of, and a justification for, including or con-  
5 tinuing to include each foreign person in such  
6 annex despite the existence of any publicly  
7 available credible information indicating that  
8 each such foreign person engaged in an activity  
9 described in subsection (a).

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

14 (3) REMOVAL.—A foreign person may be re-  
15 moved from the list required by subsection (a) if the  
16 President determines and reports to the appropriate  
17 congressional committees not later than 15 days be-  
18 fore the removal of such person from such list  
19 that—

20 (A) credible information exists that such  
21 person did not engage in the activity for which  
22 the person was included in such list;

23 (B) such person has been prosecuted ap-  
24 propriately for the activity in which such person  
25 engaged; or

1           (C) such person has credibly demonstrated  
2           a significant change in behavior, has paid an  
3           appropriate consequence for the activities in  
4           which such person engaged, and has credibly  
5           committed to not engage in an activity de-  
6           scribed in subsection (a).

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

14          (d) REQUESTS FROM CHAIR AND RANKING MEMBER  
15          OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

16               (1) CONSIDERATION OF INFORMATION.—In ad-  
17               dition to the guidance issued pursuant to subsection  
18               (c), the President shall also consider information  
19               provided by the Chair or Ranking Member of each  
20               of the appropriate congressional committees in de-  
21               termining whether to include a foreign person in the  
22               list required by subsection (a).

23               (2) REQUESTS.—Not later than 120 days after  
24               receiving a written request from the Chair or Rank-  
25               ing Member of one of the appropriate congressional

1 committees with respect to whether a foreign person  
2 meets the criteria for being included in the list re-  
3 quired by subsection (a), the President shall trans-  
4 mit a response to such Chair or Ranking Member,  
5 as the case may be, with respect to the President's  
6 determination relating to such foreign person.

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

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

19 (e) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

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

23 (A) inadmissible to the United States;

24 (B) ineligible to receive a visa or other doc-

25 umentation to enter the United States; and



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

5 (2) CURRENT VISAS REVOKED.—

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

15 (B) EFFECT OF REVOCATION.—A revoca-  
16 tion under subparagraph (A) shall—

17 (i) take effect immediately; and

18 (ii) automatically cancel any other  
19 valid visa or entry documentation that is in  
20 the foreign person's possession.

21 (C) REGULATIONS REQUIRED.—Not later  
22 than 180 days after the date of the enactment  
23 of this Act, the Secretary of State shall pre-  
24 scribe such regulations as are necessary to  
25 carry out this subsection.

1           (D) EXCEPTION TO COMPLY WITH INTER-  
2 NATIONAL OBLIGATIONS.—Sanctions under this  
3 subsection shall not apply with respect to a for-  
4 eign person if admitting or paroling such per-  
5 son into the United States is necessary to per-  
6 mit the United States to comply with the  
7 Agreement regarding the Headquarters of the  
8 United Nations, signed at Lake Success, June  
9 26, 1947, and entered into force November 21,  
10 1947, between the United Nations and the  
11 United States, or other applicable international  
12 obligations.

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

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

24           (A) IN GENERAL.—The President may  
25 waive the application of paragraph (1) or (2)

1 with respect to a foreign person included in the  
2 list required by subsection (a) if the President  
3 determines and transmits to the appropriate  
4 congressional committees notice and justifica-  
5 tion, that such a waiver—

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

15 (ii) is in the national security interests  
16 of the United States.

17 (B) TIMING OF CERTAIN WAIVERS.—A  
18 waiver pursuant to a determination under  
19 clause (ii) of subparagraph (A) shall be trans-  
20 mitted not later than 15 days before the grant-  
21 ing of such waiver.

22 (f) REPORT TO CONGRESS.—Not later than one year  
23 after the date of the enactment of this Act and annually  
24 thereafter, the President, acting through the Secretary of

1 State, shall submit to the appropriate congressional com-  
2 mittees a report on—

3 (1) the actions taken to carry out this section,  
4 including—

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

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

15 (2) any efforts by the President to coordinate  
16 with the governments of other countries, as appro-  
17 priate, to impose sanctions that are similar to the  
18 sanctions imposed under this section.

19 (g) DEFINITIONS.—In this section:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
21 TEES.—The term “appropriate congressional com-  
22 mittees” means—

23 (A) the Committee on Armed Services, the  
24 Committee on Foreign Affairs, the Committee  
25 on Homeland Security, and the Committee on

1 the Judiciary of the House of Representatives;  
2 and

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

8 (2) FOREIGN PERSON.—The term “foreign per-  
9 son” has the meaning given such term in section  
10 595.304 of title 31, Code of Federal Regulations (as  
11 in effect on the day before the date of the enactment  
12 of this Act).

13 (3) PERSON.—The term “person” has the  
14 meaning given such term in section 591.308 of title  
15 31, Code of Federal Regulations (as in effect on the  
16 day before the date of the enactment of this Act).

17 **SEC. 4. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**  
18 **TION, GENDER IDENTITY, OR SEX CHARAC-**  
19 **TERISTICS.**

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 in foreign countries based  
2 on actual or perceived sexual orientation, gender identity,  
3 or sex characteristics.

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” after the semicolon at the end;

10 (B) in paragraph (12)—

11 (i) in subparagraph (B), by striking  
12 “and” after the semicolon 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, information relating  
19 to violence or discrimination that affects funda-  
20 mental freedoms, including widespread or systematic  
21 violation of the freedoms of expression, association,  
22 or assembly, of individuals in foreign countries that  
23 is based on actual or perceived sexual orientation,  
24 gender identity, or sex characteristics.”; 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 relating to 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, of  
8           individuals in foreign countries that is based on ac-  
9           tual or perceived sexual orientation, gender identity,  
10          or sex characteristics.”.

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