

117TH CONGRESS
1ST SESSION

H. R. 3485

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

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2021

Mr. CICILLINE (for himself, Mrs. DEMINGS, Mr. TAKANO, Mr. COOPER, Mr. PETERS, Mr. KILMER, Ms. BASS, Mr. WELCH, Ms. PRESSLEY, Ms. LOIS FRANKEL of Florida, Mr. ESPAILLAT, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. MCCOLLUM, Mr. CARBAJAL, Ms. MATSUI, Mr. COSTA, Ms. GARCIA of Texas, Mr. MALINOWSKI, Mr. BLUMENAUER, Ms. WASSERMAN SCHULTZ, Mr. POCAN, Mr. CASE, Mr. PRICE of North Carolina, Ms. NORTON, Ms. TLAIB, Miss RICE of New York, Ms. OMAR, Ms. TITUS, Mr. TONKO, Mr. LANGEVIN, Ms. HOULAHAN, Mr. EVANS, Mr. SOTO, Ms. MANNING, Mr. LYNCH, Mr. SWALWELL, Ms. MENG, Ms. DEAN, Mr. SEAN PATRICK MALONEY of New York, Mr. AUCHINCLOSS, Mr. CARSON, Mr. KHANNA, Mr. DESAULNIER, Mrs. LURIA, Mr. PALLONE, and Mr. PAPPAS) 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 on foreign persons responsible for violations of internationally recognized human rights against lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) 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 LGBTQI 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 LGBTQI 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 LGBTQI
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 LGBTQI individ-
8 uals.

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

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

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

1 (11) Many countries are making positive devel-
2 opments in the protection of the basic human rights
3 of LGBTQI individuals.

4 **SEC. 3. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR**
5 **VIOLATIONS OF HUMAN RIGHTS AGAINST**
6 **LGBTQI PEOPLE.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act and biannually there-
9 after, the President shall transmit to the appropriate con-
10 gressional committees a list of each foreign person the
11 President determines, based on credible information, in-
12 cluding information obtained by other countries or by non-
13 governmental organizations that monitor violations of
14 human rights—

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

18 (A) cruel, inhuman, or degrading treat-
19 ment or punishment;

20 (B) prolonged detention without charges
21 and trial;

22 (C) causing the disappearance of such per-
23 sons by the abduction and clandestine detention
24 of such persons; or

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

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

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

9 (b) FORM; UPDATES; REMOVAL.—

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

20 (A) determines that—

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

23 (ii) the use of such annex, and the in-
24 clusion of such person in such annex,
25 would not undermine the overall purpose of

1 this section to publicly identify foreign per-
2 sons engaging in the conduct described in
3 subsection (a) in order to increase account-
4 ability for such conduct; and

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

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

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

1 (A) credible information exists that such
2 person did not engage in the activity for which
3 the person was included in such list;

4 (B) such person has been prosecuted ap-
5 propriately for the activity in which such person
6 engaged; or

7 (C) such person has credibly demonstrated
8 a significant change in behavior, has paid an
9 appropriate consequence for the activities in
10 which such person engaged, and has credibly
11 committed to not engage in an activity de-
12 scribed in subsection (a).

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

20 (d) REQUESTS FROM CHAIR AND RANKING MEMBER
21 OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

22 (1) CONSIDERATION OF INFORMATION.—In ad-
23 dition to the guidance issued pursuant to subsection
24 (c), the President shall also consider information
25 provided by the Chair or Ranking Member of each

1 of the appropriate congressional committees in de-
2 termining whether to include a foreign person in the
3 list required by subsection (a).

4 (2) REQUESTS.—Not later than 120 days after
5 receiving a written request from the Chair or Rank-
6 ing Member of one of the appropriate congressional
7 committees with respect to whether a foreign person
8 meets the criteria for being included in the list re-
9 quired by subsection (a), the President shall trans-
10 mit a response to such Chair or Ranking Member,
11 as the case may be, with respect to the President’s
12 determination relating to such foreign person.

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

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

25 (e) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

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

5 (A) inadmissible to the United States;

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

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

12 (2) CURRENT VISAS REVOKED.—

13 (A) IN GENERAL.—The issuing consular
14 officer or the Secretary of State, (or a designee
15 of the Secretary of State) shall, in accordance
16 with section 221(i) of the Immigration and Na-
17 tionality Act (8 U.S.C. 1201(i)), revoke any
18 visa or other entry documentation issued to a
19 foreign person on the list required by subsection
20 (a) and to each immediate family member of
21 such person regardless of when the visa or
22 other entry documentation is issued.

23 (B) EFFECT OF REVOCATION.—A revoca-
24 tion under subparagraph (A) shall—

25 (i) take effect immediately; and

1 (ii) automatically cancel any other
2 valid visa or entry documentation that is in
3 the foreign person's possession.

4 (C) REGULATIONS REQUIRED.—Not later
5 than 180 days after the date of the enactment
6 of this Act, the Secretary of State shall pre-
7 scribe such regulations as are necessary to
8 carry out this subsection.

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

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

20 (A) IN GENERAL.—The President may
21 waive the application of paragraph (1) or (2)
22 with respect to a foreign person included in the
23 list required by subsection (a) if the President
24 determines and transmits to the appropriate

1 congressional committees notice and justifica-
2 tion, that such a waiver—

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

12 (ii) is in the national security interests
13 of the United States.

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

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

24 (1) the actions taken to carry out this section,
25 including—

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

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

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

15 (g) DEFINITIONS.—In this section:

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

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

24 (B) the Committee on Armed Services, the
25 Committee on Foreign Relations, the Com-

1 committee on Homeland Security and Govern-
2 mental Affairs, and the Committee on the Judi-
3 ciary of the Senate.

4 (2) IMMEDIATE FAMILY MEMBER.—The term
5 “immediate family member” has the meaning given
6 such term for purposes of section 7031(c) of division
7 K of the Consolidated Appropriations Act, 2021.

8 **SEC. 4. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**
9 **TION, GENDER IDENTITY, OR SEX CHARAC-**
10 **TERISTICS.**

11 (a) TRACKING VIOLENCE OR CRIMINALIZATION RE-
12 LATED TO SEXUAL ORIENTATION OR GENDER IDEN-
13 TITY.—The Assistant Secretary of State for Democracy,
14 Human Rights, and Labor shall designate a Bureau-based
15 senior officer or officers who shall be responsible for track-
16 ing violence, criminalization, and restrictions on the enjoy-
17 ment of fundamental freedoms in foreign countries based
18 on actual or perceived sexual orientation, gender identity,
19 or sex characteristics.

20 (b) ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS
21 PRACTICES.—The Foreign Assistance Act of 1961 is
22 amended—

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

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

1 (B) in paragraph (12)—

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

4 (ii) in subparagraph (C)(ii), by strik-
5 ing the period at the end and inserting “;
6 and”; and

7 (C) by adding at the end the following new
8 paragraph:

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

16 (2) in section 502B(b) (22 U.S.C. 2304(b)), by
17 inserting after the ninth sentence the following new
18 sentence: “Wherever applicable, such report shall
19 also include information relating to violence or dis-
20 crimination that affects the fundamental freedoms,
21 including widespread or systematic violation of the
22 freedoms of expression, association, or assembly, of
23 individuals in foreign countries that is based on ac-

- 1 tual or perceived sexual orientation, gender identity,
- 2 or sex characteristics.”.

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