

115TH CONGRESS  
1ST SESSION

# H. R. 2491

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

MAY 17, 2017

Mr. CICILLINE (for himself, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. BROWNLEY of California, Ms. CLARK of Massachusetts, Mr. CONNOLLY, Mr. DELANEY, Ms. DELBENE, Mr. DEUTCH, Mr. ELLISON, Mr. ENGEL, Mr. ESPAILLAT, Ms. ESTY of Connecticut, Ms. FRANKEL of Florida, Mr. GALLEGO, Mr. GUTIÉRREZ, Mr. HASTINGS, Ms. NORTON, Mr. HUFFMAN, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Miss RICE of New York, Mr. KEATING, Ms. KELLY of Illinois, Mr. KILDEE, Mr. KILMER, Mr. LANGEVIN, Ms. LEE, Mr. LOWENTHAL, Mrs. LOWEY, Mr. LYNCH, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MOULTON, Mr. NADLER, Mr. PALLONE, Mr. SEAN PATRICK MALONEY of New York, Mr. PETERS, Ms. PINGREE, Mr. POCAN, Ms. ROSEN, Mr. RUSH, Mr. RYAN of Ohio, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Ms. SHEA-PORTER, Mr. SHERMAN, Ms. SINEMA, Mr. SIRES, Mr. SMITH of Washington, Ms. SPEIER, Mr. TAKANO, Ms. TITUS, Mrs. TORRES, Ms. TSONGAS, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Mr. WELCH, and Mr. YARMUTH) 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”.

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       LGBT individuals around the world continues.

16          (4) More than one-third of all countries have  
17       laws criminalizing consensual same-sex relations,  
18       and countries such as Nigeria, Russia, Uganda, and  
19       Kyrgyzstan have recently considered or passed legis-  
20       lation that would further target LGBT individuals.

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

1           (6) Those who commit crimes against LGBT  
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 LGBT individuals.

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

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

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

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
4 TEES.—The term “appropriate congressional com-  
5 mittees” means—

6 (A) the Committee on Armed Services, the  
7 Committee on Foreign Affairs, the Committee  
8 on Homeland Security, and the Committee on  
9 the Judiciary of the House of Representatives;  
10 and

11 (B) the Committee on Armed Services, the  
12 Committee on Foreign Relations, the Com-  
13 mittee on Homeland Security and Govern-  
14 mental Affairs, and the Committee on the Judi-  
15 ciary of the Senate.

16 (2) FOREIGN PERSON.—The term “foreign per-  
17 son” has the meaning given that term in section  
18 595.304 of title 31, Code of Federal Regulations (as  
19 in effect on the day before the date of the enactment  
20 of this Act).

21 (3) GROSS VIOLATIONS OF INTERNATIONALLY  
22 RECOGNIZED HUMAN RIGHTS.—The term “gross vio-  
23 lations of internationally recognized human rights”  
24 has the meaning given that term in section  
25 502B(d)(1) of the Foreign Assistance Act of 1961  
26 (22 U.S.C. 2304(d)(1)).

1           (4) PERSON.—The term “person” has the  
2 meaning given that term in section 591.308 of title  
3 31, Code of Federal Regulations (as in effect on the  
4 day before the date of the enactment of this Act).

5           (5) UNITED STATES PERSON.—The term  
6 “United States person” has the meaning given that  
7 term in section 595.315 of title 31, Code of Federal  
8 Regulations (as in effect on the day before the date  
9 of the enactment of this Act).

10 **SEC. 4. IDENTIFICATION OF FOREIGN PERSONS RESPON-**  
11 **SIBLE FOR GROSS VIOLATIONS OF HUMAN**  
12 **RIGHTS.**

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

18           (1) is responsible for or complicit in torture or  
19 cruel, inhuman, or degrading treatment or punish-  
20 ment, prolonged detention without charges and trial,  
21 causing the disappearance of persons by the abduc-  
22 tion and clandestine detention of those persons, and  
23 other flagrant denial of the right to life, liberty, or  
24 the security of person based on actual or perceived  
25 sexual orientation or gender identity;

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

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

7           (b) UPDATES.—The President shall transmit to the  
8           appropriate congressional committees an update of the list  
9           required by subsection (a) as new information becomes  
10          available.

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

17          (d) FORM.—

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

20               (2) EXCEPTION.—The name of a foreign person  
21               to be included in the list required by subsection (a)  
22               may be transmitted in a classified annex only if the  
23               President—

1 (A) determines that it is vital for the na-  
2 tional security interests of the United States to  
3 do so;

4 (B) uses the annex in a manner consistent  
5 with congressional intent and the purposes of  
6 this Act; and

7 (C) not later than 15 days before transmit-  
8 ting the name in a classified annex, provides to  
9 the appropriate congressional committees notice  
10 of, and a justification for, including or con-  
11 tinuing to include each foreign person in the  
12 classified annex despite any publicly available  
13 credible information indicating that the foreign  
14 person engaged in an activity described in para-  
15 graph (1) or (2) of subsection (a).

16 (3) CONSIDERATION OF CERTAIN INFORMA-  
17 TION.—In preparing the list required by subsection  
18 (a), the President shall consider—

19 (A) information provided by the Chair-  
20 person or Ranking Member of each of the ap-  
21 propriate congressional committees; and

22 (B) credible information obtained by other  
23 countries and nongovernmental organizations  
24 that monitor violations of human rights.

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

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

10           (1) credible information exists that the foreign  
11           person did not engage in the activity for which the  
12           foreign person was added to the list;

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

16           (3) the foreign person has credibly dem-  
17           onstrated a significant change in behavior, has paid  
18           an appropriate consequence for the activities in  
19           which the foreign person engaged, and has credibly  
20           committed to not engage in an activity described in  
21           paragraph (1) or (2) of subsection (a).

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

24           (1) IN GENERAL.—Not later than 120 days  
25           after receiving a written request from the Chair-



1 person or Ranking Member of one of the appropriate  
2 congressional committees with respect to whether a  
3 foreign person meets the criteria for being added to  
4 the list required by subsection (a), the President  
5 shall transmit a response to that Chairperson or  
6 Ranking Member, as the case may be, with respect  
7 to the status of the foreign person at issue.

8 (2) FORM.—The President may transmit a re-  
9 sponse required by paragraph (1) in classified form  
10 if the President determines that it is necessary for  
11 the national security interests of the United States  
12 to do so.

13 (3) REMOVAL.—

14 (A) IN GENERAL.—If the President re-  
15 moves from the list required by subsection (a)  
16 a foreign person that has been placed on the  
17 list, the President shall provide the Chair-  
18 persons and Ranking Members of the appro-  
19 priate congressional committees with any infor-  
20 mation that contributed to such removal deci-  
21 sion.

22 (B) FORM OF INFORMATION.—The Presi-  
23 dent may transmit the information requested by  
24 subparagraph (A) in classified form if the  
25 President determines that it is necessary to the

1 national security interests of the United States  
2 to do so.

3 (g) NONAPPLICABILITY OF CONFIDENTIALITY RE-  
4 QUIREMENT WITH RESPECT TO VISA RECORDS.—The  
5 President shall publish the list required by subsection (a)  
6 without regard to the requirements of section 222(f) of  
7 the Immigration and Nationality Act (8 U.S.C. 1202(f))  
8 with respect to confidentiality of records pertaining to the  
9 issuance or refusal of visas or permits to enter the United  
10 States.

11 **SEC. 5. INADMISSIBILITY OF CERTAIN INDIVIDUALS.**

12 (a) INELIGIBILITY FOR VISAS AND ADMISSION TO  
13 THE UNITED STATES.—An individual who is a foreign  
14 person on the list required by section 4(a) is ineligible to  
15 receive a visa to enter the United States and ineligible to  
16 be admitted to the United States.

17 (b) CURRENT VISAS REVOKED AND REMOVAL FROM  
18 UNITED STATES.—The Secretary of State shall revoke, in  
19 accordance with section 221(i) of the Immigration and  
20 Nationality Act (8 U.S.C. 1201(i)), the visa or other docu-  
21 mentation of an individual who would be ineligible to re-  
22 ceive such a visa or documentation under subsection (a),  
23 and the Secretary of Homeland Security shall remove from  
24 the United States such an individual.

25 (c) WAIVER FOR NATIONAL SECURITY INTERESTS.—

1           (1) IN GENERAL.—The Secretary of State and  
2           the Secretary of Homeland Security, in consultation  
3           with the President, may waive the application of  
4           subsection (a) or (b), as the case may be, in the case  
5           of an individual if—

6                   (A) the Secretaries determine that such a  
7           waiver—

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

17                           (ii) is in the national security interests  
18                           of the United States; and

19                   (B) before granting the waiver, the Secre-  
20           taries provide to the appropriate congressional  
21           committees notice of, and a justification for, the  
22           waiver.

23           (2) TIMING FOR NOTICE OF CERTAIN WAIV-  
24           ERS.—In the case of a waiver under clause (ii), the  
25           Secretaries shall submit the notice required by sub-

1 paragraph (B) of such paragraph not later than 15  
2 days before granting the waiver.

3 (d) REGULATORY AUTHORITY.—Not later than 180  
4 days after the date of the enactment of this Act, the Sec-  
5 retary of State and the Secretary of Homeland Security  
6 shall prescribe such regulations as are necessary to carry  
7 out this section.

8 **SEC. 6. REPORT TO CONGRESS.**

9 Not later than one year after the date of the enact-  
10 ment of this Act and annually thereafter, the President,  
11 acting through the Secretary of State, shall submit to the  
12 appropriate congressional committees a report on—

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

15 (A) the number of foreign persons added  
16 to or removed from the list required by section  
17 4(a) during the year preceding each report, the  
18 dates on which those persons were added or re-  
19 moved, and the reasons for adding or removing  
20 those persons; and

21 (B) an analysis that compares increases or  
22 decreases in the number of such persons year-  
23 over-year and the reasons therefor; and

24 (2) efforts by the executive branch to coordinate  
25 with the governments of other countries to, as ap-

1       appropriate, impose sanctions that are similar to the  
2       sanctions imposed under this Act.

3       **SEC. 7. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**  
4                                   **TION OR GENDER IDENTITY.**

5       (a) TRACKING VIOLENCE OR CRIMINALIZATION RE-  
6       LATED TO SEXUAL ORIENTATION OR GENDER IDEN-  
7       TITY.—The Assistant Secretary of State for Democracy,  
8       Human Rights and Labor shall designate a Bureau-based  
9       senior officer or officers who shall be responsible for track-  
10      ing violence, criminalization, and restrictions on the enjoy-  
11      ment of fundamental freedoms, in foreign countries based  
12      on actual or perceived sexual orientation or gender iden-  
13      tity.

14      (b) ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS  
15      PRACTICES.—The Foreign Assistance Act of 1961 is  
16      amended—

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

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

20                   (B) in paragraph (12)—

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

23                   (ii) in subparagraph (C)(ii), by strik-  
24                   ing the period at the end and inserting “;  
25                   and”;

1 (C) by adding at the end the following new  
2 paragraph:

3 “(13) wherever applicable, violence or discrimi-  
4 nation that affects the fundamental freedoms, in-  
5 cluding widespread or systematic violation of the  
6 freedoms of expression, association, or assembly of  
7 an individual in foreign countries that is based on  
8 actual or perceived sexual orientation or gender  
9 identity.”; and

10 (2) in section 502B(b) (22 U.S.C. 2304(b)), by  
11 inserting after the ninth sentence the following new  
12 sentence: “Wherever applicable, such report shall  
13 also include information regarding violence or dis-  
14 crimination that affects the fundamental freedoms,  
15 including widespread or systematic violation of the  
16 freedoms of expression, association, or assembly of  
17 an individual in foreign countries that is based on  
18 actual or perceived sexual orientation or gender  
19 identity.”.

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