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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To impose sanctions with respect to foreign persons responsible for violations of the human rights of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI) individuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. MCBRIDE introduced the following bill; which was referred to the
Committee on _____

A BILL

To impose sanctions with respect to foreign persons responsible for violations of the human rights of 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:

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

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

8 (3) Many countries are making positive develop-
9 ments in the protection of the basic human rights of
10 LGBTQI individuals.

11 (4) The alarming trend of increasing violence
12 directed at LGBTQI individuals around the world
13 continues.

14 (5) Approximately $\frac{1}{3}$ of all countries have laws
15 criminalizing consensual same-sex relations, and 12
16 countries carry the possibility of the death penalty.

17 (6) Laws criminalizing consensual same-sex re-
18 lations severely hinder access to HIV/AIDS treat-
19 ment, information, and preventive measures for
20 LGBTQI individuals and families.

21 (7) Celebrations of LGBTQI individuals and
22 communities, such as film festivals, Pride events,
23 and demonstrations, are often forced underground
24 due to inaction on the part of, or harassment by,

1 local law enforcement and government officials, in
2 violation of freedoms of assembly and expression.

3 (8) Every year, countless individuals around the
4 world are targeted for discrimination, harassment,
5 arbitrary arrest and detention, physical attack, and
6 murder on the basis of their actual or perceived sex-
7 ual orientation, gender identity, or sex characteris-
8 tics.

9 (9) Those who commit crimes against LGBTQI
10 individuals often do so with impunity, and are not
11 held accountable for their crimes.

12 (10) Homophobic and transphobic statements
13 by government officials in many countries in every
14 region of the world promote negative public attitudes
15 and can lead to increased discrimination and vio-
16 lence toward LGBTQI individuals.

17 (11) In many instances, police, prison, military,
18 and civilian government authorities have been di-
19 rectly complicit in abuses aimed at LGBTQI citi-
20 zens, including arbitrary arrest, extortion, cruel, in-
21 human, or degrading treatment, torture, and sexual
22 abuse.

1 **SEC. 3. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR**
2 **VIOLATIONS OF HUMANRIGHTS AGAINST**
3 **LGBTQI 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) torture or cruel, inhuman, or degrad-
16 ing treatment or punishment;

17 (B) prolonged detention without charges
18 and a 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; or

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).

1 (b) FORM; UPDATES; REMOVAL.—

2 (1) FORM.—The list required by subsection (a)
3 shall be transmitted in unclassified form and pub-
4 lished in the Federal Register, except that the Presi-
5 dent may include a foreign person in a classified,
6 unpublished annex to such list if the President—

7 (A) determines that—

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

10 (ii) the use of such annex, and the in-
11 clusion of such person in such annex,
12 would not undermine the overall purpose of
13 this section to publicly identify foreign per-
14 sons engaging in the conduct described in
15 subsection (a) in order to increase account-
16 ability for such conduct; and

17 (B) not later than 15 days before including
18 such person in a classified annex, provides to
19 the appropriate congressional committees notice
20 of, and a justification for, including or con-
21 tinuing to include each foreign person in such
22 annex despite the existence of any publicly
23 available credible information indicating that
24 each such foreign person engaged in an activity
25 described in subsection (a).

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

5 (3) REMOVAL.—A foreign person may be re-
6 moved from the list required by subsection (a) if the
7 President determines and reports to the appropriate
8 congressional committees, not later than 15 days be-
9 fore the removal of such person from such list,
10 that—

11 (A) new, credible information is discovered
12 confirming that such person did not in fact en-
13 gage in the activity for which the person was
14 included in such list;

15 (B) such person has been prosecuted ap-
16 propriately for the activity in which such person
17 engaged;

18 (C) such person has credibly demonstrated
19 a significant change in behavior, has paid an
20 appropriate consequence for the activities in
21 which such person engaged, and has credibly
22 committed to not engage in an activity de-
23 scribed in subsection (a); or

1 (D) removal of such sanctions is in the
2 vital national security interests of the United
3 States.

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

11 (d) REQUESTS FROM CHAIR AND RANKING MEMBER
12 OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

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

20 (2) REQUESTS.—Not later than 120 days after
21 receiving a written request from the Chair or Rank-
22 ing Member of one of the appropriate congressional
23 committees with respect to whether a foreign person
24 meets the criteria for being included in the list re-
25 quired by subsection (a), the President shall trans-

1 mit a response to such Chair or Ranking Member,
2 as the case may be, with respect to the President's
3 determination relating to such foreign person.

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

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

16 (e) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

17 (1) VISAS, ADMISSION, OR PAROLE.—An alien
18 who the Secretary of State or the Secretary of
19 Homeland Security (or a designee of one of such
20 Secretaries) knows, or has reason to believe, is de-
21 scribed in subsection (a) is—

22 (A) inadmissible to the United States;

23 (B) ineligible for a visa or other docu-
24 mentation 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, the Secretary of State, or the Secretary
8 of Homeland Security (or a designee of one of
9 such Secretaries) shall, in accordance with sec-
10 tion 221(i) of the Immigration and Nationality
11 Act (8 U.S.C. 1201(i)), revoke any visa or other
12 entry documentation issued to an alien de-
13 scribed in subparagraph (A) regardless of when
14 the visa or other entry documentation is issued.

15 (B) EFFECT OF REVOCATION.—A revoca-
16 tion under clause (i)—

17 (i) shall take effect immediately; and

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

21 (3) SENSE OF CONGRESS WITH RESPECT TO
22 ADDITIONAL SANCTIONS.—It is the sense of Con-
23 gress that the President should impose additional
24 targeted sanctions with respect to foreign persons on
25 the list required by subsection (a) to push for ac-

1 countability for flagrant denials of the right to life,
2 liberty, or the security of the person, through the
3 use of designations and targeted sanctions provided
4 for such conduct under other existing authorities.

5 (4) EXCEPTIONS.—

6 (A) EXCEPTION WITH RESPECT TO NA-
7 TIONAL SECURITY.—This section shall not
8 apply with respect to—

9 (i) activities subject to the reporting
10 requirements under title V of the National
11 Security Act of 1947 (50 U.S.C. 3091 et
12 seq.); or

13 (ii) any authorized intelligence or law
14 enforcement activities of the United States.

15 (B) EXCEPTION TO COMPLY WITH INTER-
16 NATIONAL OBLIGATIONS.—Sanctions under
17 paragraphs (1) and (2) shall not apply with re-
18 spect to a person if admitting or paroling the
19 person into the United States is necessary to
20 permit the United States to comply with the
21 Agreement regarding the Headquarters of the
22 United Nations signed at Lake Success June
23 26, 1947, and entered into force November 21,
24 1947, between the United Nations and the

1 United States or other applicable international
2 obligations.

3 (C) EXCEPTION FOR CERTAIN IMMEDIATE
4 FAMILY MEMBERS.—

5 (i) IN GENERAL.—A covered indi-
6 vidual shall not be subject to sanctions
7 under this section if the President certifies
8 to the appropriate congressional commit-
9 tees, in accordance with clause (ii), that
10 such individual has a reasonable fear of
11 persecution based on—

12 (I) actual or perceived sexual ori-
13 entation, gender identity, or sex char-
14 acteristics;

15 (II) race, religion, or nationality;
16 or

17 (III) political opinion or member-
18 ship in a particular social group.

19 (ii) DETERMINATION AND CERTIFI-
20 CATION.—A certification under clause (i)
21 shall be made not later than 30 days after
22 the date of the determination required by
23 such clause. Any proceedings relating to
24 such determination shall not be publicly
25 available.

1 (iii) COVERED INDIVIDUAL.—For pur-
2 poses of this subparagraph, the term “cov-
3 ered individual” means an individual who
4 is an immediate family member of foreign
5 person on the list required by subsection
6 (a).

7 (5) WAIVER.—The President may waive the ap-
8 plication of sanctions or restrictions imposed with
9 respect to a foreign person under this section if the
10 President certifies to the appropriate congressional
11 committees, not later than 15 days before such waiv-
12 er is to take effect, that the waiver is vital to the
13 national interest of the United States.

14 (f) REPORT TO CONGRESS.—Not later than 1 year
15 after the date of the enactment of this Act, and annually
16 thereafter, the President, acting through the Secretary of
17 State, shall submit to the appropriate congressional com-
18 mittees a report on—

19 (1) the actions taken to carry out this section,
20 including—

21 (A) the number of foreign persons added
22 to or removed from the list required by sub-
23 section (a) during the year preceding each such
24 report, the dates on which such persons were so

1 added or removed, and the reasons for so add-
2 ing or removing such persons; and

3 (B) an analysis that compares increases or
4 decreases in the number of such persons added
5 or removed year-over-year and the reasons
6 therefor;

7 (2) any efforts by the President to coordinate
8 with the governments of other countries, as appro-
9 priate, to impose sanctions that are similar to the
10 sanctions imposed under this section;

11 (3) the impact of the sanctions imposed under
12 this section with respect to altering the behavior of
13 each of the foreign persons included, as of the date
14 of submission of the report, in the list required by
15 subsection (a); and

16 (4) steps the Department can take to improve
17 coordination with foreign governments, civil society
18 groups, and the private sector, to prevent the com-
19 mission of the human rights violations described in
20 section 3(a)(1) against persons based on actual or
21 perceived sexual orientation, gender identity, or sex
22 characteristics.

23 (g) FORM; PUBLICATION.—The report required by
24 subsection (f) shall be submitted in unclassified form but
25 may include a classified annex. The unclassified portion

1 of such report shall be published on a publicly available
2 website of the Department of State.

3 (h) DEFINITIONS.—In this section:

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

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

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

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

21 (i) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion may be construed to allow the imposition of sanctions
23 with respect to, or otherwise authorize any other action
24 against, any foreign person based solely upon religious be-
25 lief.

1 **SEC. 4. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**
2 **TION, GENDER IDENTITY, OR SEX CHARAC-**
3 **TERISTICS.**

4 (a) TRACKING VIOLENCE OR CRIMINALIZATION RE-
5 LATED TO SEXUAL ORIENTATION OR GENDER IDEN-
6 TITY.—The Assistant Secretary of State for Democracy,
7 Human Rights, and Labor shall designate 1 or more bu-
8 reau-based senior officer or officers, who shall be respon-
9 sible for tracking violence, criminalization, and restrictions
10 on the enjoyment of fundamental freedoms in foreign
11 countries based on actual or perceived sexual orientation,
12 gender identity, or sex characteristics.

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

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

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

19 (B) in paragraph (12)—

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

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

25 (C) by adding at the end the following new
26 paragraph:

1 “(13) Wherever applicable, information relating
2 to violence or discrimination that affects funda-
3 mental freedoms, including widespread or systematic
4 violation of the freedoms of expression, association,
5 or assembly, of individuals in foreign countries that
6 is based on actual or perceived sexual orientation,
7 gender identity, or sex characteristics.”; and

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