

Union Calendar No. 166

117TH CONGRESS
2D SESSION

H. R. 3485

[Report No. 117-224, Part I]

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

JANUARY 10, 2022

Reported from the Committee on Foreign Affairs with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JANUARY 10, 2022

Referral to the Committee on the Judiciary extended for a period ending not later than February 4, 2022

JANUARY 21, 2022

Additional sponsors: Mr. FITZPATRICK, Ms. WILLIAMS of Georgia, Mr. MEEKS, Mr. VARGAS, Mr. SCHNEIDER, Mrs. WATSON COLEMAN, Mr. DANNY K. DAVIS of Illinois, Mr. STANTON, Ms. ROYBAL-ALLARD, Mr. QUIGLEY, Ms. BONAMICI, Ms. CLARK of Massachusetts, Mr. GOTTHEIMER, Ms. SPEIER, Mr. JOHNSON of Georgia, Ms. WILD, Mr. SIRES, Mr. LARSON of Connecticut, Mr. KIND, Mr. KEATING, Mr. LIEU, Mr. SHERMAN, Mr. CASTRO of Texas, Mr. PAYNE, Ms. DAVIDS of Kansas, Ms. CHU, Mrs. CAROLYN B. MALONEY of New York, and Ms. LEGER FERNANDEZ

JANUARY 21, 2022

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 25, 2021]

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 the*
11 *person, the right to privacy, and the right to freedom*
12 *of expression and association are fundamental human*
13 *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 have*
17 *laws criminalizing consensual same-sex relations, and*
18 *many have enacted policies or laws that would fur-*
19 *ther target LGBTQI individuals.*

20 (5) *Every year thousands of individuals around*
21 *the world are targeted for harassment, attack, arrest,*
22 *and murder on the basis of their sexual orientation*
23 *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) *In many instances police, prison, military,*
5 *and civilian government authorities have been di-*
6 *rectly complicit in abuses aimed at LGBTQI citizens,*
7 *including arbitrary arrest, torture, and sexual abuse.*

8 (8) *Celebrations of LGBTQI individuals and*
9 *communities, 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 (9) *Laws criminalizing consensual same-sex re-*
15 *lations severely hinder access to HIV/AIDS treatment,*
16 *information, and preventive measures for LGBTQI*
17 *individuals and families.*

18 (10) *Many countries are making positive devel-*
19 *opments in the protection of the basic human rights*
20 *of LGBTQI individuals.*

21 **SEC. 3. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR**
22 **VIOLATIONS OF HUMAN RIGHTS AGAINST**
23 **LGBTQI PEOPLE.**

24 (a) *IN GENERAL.*—*Not later than 180 days after the*
25 *date of the enactment of this Act and biannually thereafter,*

1 *the President shall transmit to the appropriate congres-*
2 *sional committees a list of each foreign person the President*
3 *determines, based on credible information, including infor-*
4 *mation obtained by other countries or by nongovernmental*
5 *organizations that monitor violations of human rights—*

6 *(1) is responsible for or complicit in, with re-*
7 *spect to persons based on actual or perceived sexual*
8 *orientation, gender identity, or sex characteristics—*

9 *(A) cruel, inhuman, or degrading treatment*
10 *or punishment;*

11 *(B) prolonged detention without charges*
12 *and trial;*

13 *(C) causing the disappearance of such per-*
14 *sons by the abduction and clandestine detention*
15 *of such persons; or*

16 *(D) other flagrant denial of the right to life,*
17 *liberty, or the security of such persons;*

18 *(2) acted as an agent of or on behalf of a foreign*
19 *person in a matter relating to an activity described*
20 *in paragraph (1); or*

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

24 *(b) FORM; UPDATES; REMOVAL.—*

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

11 (A) *determines that—*

12 (i) *it is vital for the national security*
13 *interests of the United States to do so; and*

14 (ii) *the use of such annex, and the in-*
15 *clusion of such person in such annex, would*
16 *not undermine the overall purpose of this*
17 *section to publicly identify foreign persons*
18 *engaging in the conduct described in sub-*
19 *section (a) in order to increase account-*
20 *ability for such conduct; and*

21 (B) *not later than 15 days before including*
22 *such person in a classified annex, provides to the*
23 *appropriate congressional committees notice of,*
24 *and a justification for, including or continuing*
25 *to include each foreign person in such annex de-*

1 *spite the existence of any publicly available cred-*
2 *ible information indicating that each such for-*
3 *foreign person engaged in an activity described in*
4 *subsection (a).*

5 (2) *UPDATES.*—*The President shall transmit to*
6 *the appropriate congressional committees an update*
7 *of the list required by subsection (a) as new informa-*
8 *tion becomes available.*

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

14 (A) *credible information exists that such*
15 *person did not engage in the activity for which*
16 *the person was included in such list;*

17 (B) *such person has been prosecuted appro-*
18 *priately for the activity in which such person en-*
19 *gaged; or*

20 (C) *such person has credibly demonstrated a*
21 *significant change in behavior, has paid an ap-*
22 *propriate consequence for the activities in which*
23 *such person engaged, and has credibly committed*
24 *to not engage in an activity described in sub-*
25 *section (a).*

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

8 (d) *REQUESTS FROM CHAIR AND RANKING MEMBER*
9 *OF APPROPRIATE CONGRESSIONAL COMMITTEES.*—

10 (1) *CONSIDERATION OF INFORMATION.*—*In addi-*
11 *tion to the guidance issued pursuant to subsection (c),*
12 *the President shall also consider information provided*
13 *by the Chair or Ranking Member of each of the ap-*
14 *propriate congressional committees in determining*
15 *whether to include a foreign person in the list re-*
16 *quired by subsection (a).*

17 (2) *REQUESTS.*—*Not later than 120 days after*
18 *receiving a written request from the Chair or Rank-*
19 *ing Member of one of the appropriate congressional*
20 *committees with respect to whether a foreign person*
21 *meets the criteria for being included in the list re-*
22 *quired by subsection (a), the President shall transmit*
23 *a response to such Chair or Ranking Member, as the*
24 *case may be, with respect to the President’s deter-*
25 *mination relating to such foreign person.*

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

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

13 (e) *INADMISSIBILITY OF CERTAIN INDIVIDUALS.*—

14 (1) *INELIGIBILITY FOR VISAS AND ADMISSION TO*
15 *THE UNITED STATES.*—A foreign person on the list
16 required by subsection (a), and each immediate fam-
17 ily member of such person, is—

18 (A) inadmissible to the United States;

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

21 (C) otherwise ineligible to be admitted or
22 paroled into the United States or to receive any
23 other benefit under the Immigration and Nation-
24 ality Act (8 U.S.C. 1101 et seq.).

25 (2) *CURRENT VISAS REVOKED.*—

1 (A) *IN GENERAL.*—*The issuing consular of-*
2 *ficer or the Secretary of State, (or a designee of*
3 *the Secretary of State) shall, in accordance with*
4 *section 221(i) of the Immigration and Nation-*
5 *ality Act (8 U.S.C. 1201(i)), revoke any visa or*
6 *other entry documentation issued to a foreign*
7 *person on the list required by subsection (a) and*
8 *to each immediate family member of such person*
9 *regardless of when the visa or other entry docu-*
10 *mentation is issued.*

11 (B) *EFFECT OF REVOCATION.*—*A revocation*
12 *under subparagraph (A) shall—*

13 (i) *take effect immediately; and*

14 (ii) *automatically cancel any other*
15 *valid visa or entry documentation that is in*
16 *the foreign person’s possession.*

17 (C) *REGULATIONS REQUIRED.*—*Not later*
18 *than 180 days after the date of the enactment of*
19 *this Act, the Secretary of State shall prescribe*
20 *such regulations as are necessary to carry out*
21 *this subsection.*

22 (3) *SENSE OF CONGRESS WITH RESPECT TO AD-*
23 *DITIONAL SANCTIONS.*—*It is the sense of Congress that*
24 *the President should impose additional targeted sanc-*
25 *tions with respect to foreign persons on the list re-*

1 *quired by subsection (a) to push for accountability for*
2 *flagrant denials of the right to life, liberty, or the se-*
3 *curity of the person, through the use of designations*
4 *and targeted sanctions provided for such conduct*
5 *under other existing authorities.*

6 (4) *WAIVERS IN THE INTEREST OF NATIONAL SE-*
7 *CURITY.—*

8 (A) *IN GENERAL.—The President may*
9 *waive the application of paragraph (1) or (2)*
10 *with respect to a foreign person included in the*
11 *list required by subsection (a) if the President*
12 *determines and transmits to the appropriate*
13 *congressional committees notice and justification,*
14 *that such a waiver—*

15 (i) *is necessary to permit the United*
16 *States to comply with the Agreement be-*
17 *tween the United Nations and the United*
18 *States of America regarding the Head-*
19 *quarters of the United Nations, signed June*
20 *26, 1947, and entered into force November*
21 *21, 1947, or other applicable international*
22 *obligations of the United States; or*

23 (ii) *is in the national security interests*
24 *of the United States.*

1 (B) *TIMING OF CERTAIN WAIVERS.*—A
2 waiver pursuant to a determination under clause
3 (i) of subparagraph (A) shall be transmitted not
4 later than 15 days before the granting of such
5 waiver.

6 (f) *REPORT TO CONGRESS.*—Not later than one year
7 after the date of the enactment of this Act and annually
8 thereafter, the President, acting through the Secretary of
9 State, shall submit to the appropriate congressional com-
10 mittees a report on—

11 (1) *the actions taken to carry out this section,*
12 *including—*

13 (A) *the number of foreign persons added to*
14 *or removed from the list required by subsection*
15 *(a) during the year preceding each such report,*
16 *the dates on which such persons were so added*
17 *or removed, and the reasons for so adding or re-*
18 *moving such persons; and*

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

23 (2) *any efforts by the President to coordinate*
24 *with the governments of other countries, as appro-*

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

3 *(g) DEFINITIONS.—In this section:*

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

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

11 *(B) the Committee on Armed Services, the*
12 *Committee on Foreign Relations, the Committee*
13 *on Homeland Security and Governmental Af-*
14 *airs, and the Committee on the Judiciary of the*
15 *Senate.*

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

20 **SEC. 4. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**
21 **TION, GENDER IDENTITY, OR SEX CHARAC-**
22 **TERISTICS.**

23 *(a) TRACKING VIOLENCE OR CRIMINALIZATION RE-*
24 *LATED TO SEXUAL ORIENTATION OR GENDER IDENTITY.—*
25 *The Assistant Secretary of State for Democracy, Human*

1 *Rights, and Labor shall designate a Bureau-based senior*
2 *officer or officers who shall be responsible for tracking vio-*
3 *lence, criminalization, and restrictions on the enjoyment of*
4 *fundamental freedoms in foreign countries based on actual*
5 *or perceived sexual orientation, gender identity, or sex char-*
6 *acteristics.*

7 (b) *ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS*
8 *PRACTICES.—The Foreign Assistance Act of 1961 is amend-*
9 *ed—*

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

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

13 (B) *in paragraph (12)—*

14 (i) *in subparagraph (B), by striking*
15 *“and” after the semicolon at the end; and*

16 (ii) *in subparagraph (C)(ii), by strik-*
17 *ing the period at the end and inserting “;*
18 *and”;* and

19 (C) *by adding at the end the following new*
20 *paragraph:*

21 “(13) *wherever applicable, information relating*
22 *to violence or discrimination that affects fundamental*
23 *freedoms, including widespread or systematic viola-*
24 *tion of the freedoms of expression, association, or as-*
25 *sembly, of individuals in foreign countries that is*

1 *based on actual or perceived sexual orientation, gen-*
2 *der identity, or sex characteristics.”; and*

3 *(2) in section 502B(b) (22 U.S.C. 2304(b)), by*
4 *inserting after the ninth sentence the following new*
5 *sentence: “Wherever applicable, such report shall also*
6 *include information relating to violence or discrimi-*
7 *nation that affects the fundamental freedoms, includ-*
8 *ing widespread or systematic violation of the freedoms*
9 *of expression, association, or assembly, of individuals*
10 *in foreign countries that is based on actual or per-*
11 *ceived sexual orientation, gender identity, or sex char-*
12 *acteristics.”.*

Union Calendar No. 166

117TH CONGRESS
2^D SESSION

H. R. 3485

[Report No. 117-224, Part I]

A BILL

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JANUARY 21, 2022

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed