

JANUARY 24, 2022

RULES COMMITTEE PRINT 117-30
TEXT OF H.R. 3485, GLOBAL RESPECT ACT

**[Showing the text of H.R. 3485, as ordered reported by the
Committee on Foreign Affairs, with modifications.]**

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Global Respect Act”.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

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

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

12 (3) An alarming trend of violence directed at
13 LGBTQI individuals around the world continues.

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

18 (5) Every year thousands of individuals around
19 the world are targeted for harassment, attack, ar-

1 rest, and murder on the basis of their sexual ori-
2 entation or gender identity.

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

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

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

17 (9) 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 (10) Many countries are making positive devel-
22 opments in the protection of the basic human rights
23 of LGBTQI individuals.

1 **SEC. 3. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR**
2 **VIOLATIONS OF HUMAN RIGHTS 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) 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; 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; or

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).

24 (c) PUBLIC SUBMISSION OF INFORMATION.—The
25 President shall issue public guidance, including through

1 United States diplomatic and consular posts, setting forth
2 the manner by which the names of foreign persons that
3 may meet the criteria to be included on the list required
4 by subsection (a) may be submitted to the Department
5 of State for evaluation.

6 (d) REQUESTS FROM CHAIR AND RANKING MEMBER
7 OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

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

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

24 (3) REMOVAL.—If the President removes from
25 the list required by subsection (a) a foreign person

1 that had been included in such list pursuant to a re-
2 quest under paragraph (2), the President shall pro-
3 vide to the relevant Chair or Ranking Member of the
4 appropriate congressional committees any informa-
5 tion that contributed to such decision.

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

11 (e) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

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

16 (A) inadmissible to the United States;

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

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

23 (2) CURRENT VISAS REVOKED.—

24 (A) IN GENERAL.—The Secretary of State,
25 or the Secretary of Homeland Security (or a

1 designee of one such Secretaries) shall, in ac-
2 cordance with section 221(i) of the Immigration
3 and Nationality Act (8 U.S.C. 1201(i)), revoke
4 any visa or other entry documentation issued to
5 a foreign person on the list required by sub-
6 section (a) and to each immediate family mem-
7 ber of such person regardless of when the visa
8 or other entry documentation is issued.

9 (B) EFFECT OF REVOCATION.—A revoca-
10 tion under subparagraph (A) shall—

11 (i) take effect immediately; and

12 (ii) automatically cancel any other
13 valid visa or entry documentation that is in
14 the foreign person's possession.

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

24 (4) EXCEPTIONS.—

1 (A) EXCEPTION WITH RESPECT TO NA-
2 TIONAL SECURITY.—This section shall not
3 apply with respect to—

4 (i) activities subject to the reporting
5 requirements under title V of the National
6 Security Act of 1947 (50 U.S.C. 3091 et
7 seq.); or

8 (ii) any authorized intelligence or law
9 enforcement activities of the United States.

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

22 (5) WAIVER.—The President may waive the ap-
23 plication of sanctions or restrictions imposed with
24 respect to a foreign person under this section if the
25 President certifies to the appropriate congressional

1 committees, not later than 15 days before such waiv-
2 er is to take effect, that the waiver is vital to the
3 national interest of the United States.

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

9 (1) the actions taken to carry out this section,
10 including—

11 (A) the number of foreign persons added
12 to or removed from the list required by sub-
13 section (a) during the year preceding each such
14 report, the dates on which such persons were so
15 added or removed, and the reasons for so add-
16 ing or removing such persons; and

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

21 (2) any efforts by the President to coordinate
22 with the governments of other countries, as appro-
23 priate, to impose sanctions that are similar to the
24 sanctions imposed under this section.

25 (g) DEFINITIONS.—In this section:

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

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

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

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

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

21 (a) TRACKING VIOLENCE OR CRIMINALIZATION RE-
22 LATED TO SEXUAL ORIENTATION OR GENDER IDEN-
23 TITY.—The Assistant Secretary of State for Democracy,
24 Human Rights, and Labor shall designate one or more
25 Bureau-based senior officer or officers who shall be re-

1 sponsible for tracking violence, criminalization, and re-
2 strictions on the enjoyment of fundamental freedoms in
3 foreign countries based on actual or perceived sexual ori-
4 entation, gender identity, or sex characteristics.

5 (b) ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS
6 PRACTICES.—The Foreign Assistance Act of 1961 is
7 amended—

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

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

11 (B) in paragraph (12)—

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

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

17 (C) by adding at the end the following new
18 paragraph:

19 “(13) wherever applicable, information relating
20 to violence or discrimination that affects funda-
21 mental freedoms, including widespread or systematic
22 violation of the freedoms of expression, association,
23 or assembly, of individuals in foreign countries that
24 is based on actual or perceived sexual orientation,
25 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.”.

