

117TH CONGRESS
2^D SESSION

H. R. 3485

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2022

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

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,*

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

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

25 (7) In many instances police, prison, military,
26 and civilian government authorities have been di-

1 rectly complicit in abuses aimed at LGBTQI citi-
2 zens, including arbitrary arrest, torture, and sexual
3 abuse.

4 (8) Celebrations of LGBTQI individuals and
5 communities, such as film festivals, Pride events,
6 and demonstrations are often forced underground
7 due to inaction on the part of, or harassment by,
8 local law enforcement and government officials, in
9 violation of freedoms of assembly and expression.

10 (9) Laws criminalizing consensual same-sex re-
11 lations severely hinder access to HIV/AIDS treat-
12 ment, information, and preventive measures for
13 LGBTQI individuals and families.

14 (10) Many countries are making positive devel-
15 opments in the protection of the basic human rights
16 of LGBTQI individuals.

17 **SEC. 3. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR**
18 **VIOLATIONS OF HUMAN RIGHTS AGAINST**
19 **LGBTQI PEOPLE.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of the enactment of this Act and biannually there-
22 after, the President shall transmit to the appropriate con-
23 gressional committees a list of each foreign person the
24 President determines, based on credible information, in-
25 cluding information obtained by other countries or by non-

1 governmental organizations that monitor violations of
2 human rights—

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

6 (A) torture or cruel, inhuman, or degrad-
7 ing treatment or punishment;

8 (B) prolonged detention without charges
9 and trial;

10 (C) causing the disappearance of such per-
11 sons by the abduction and clandestine detention
12 of such persons; or

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

15 (2) acted as an agent of or on behalf of a for-
16 eign person in a matter relating to an activity de-
17 scribed in paragraph (1).

18 (b) FORM; UPDATES; REMOVAL.—

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

24 (A) determines that—

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

3 (ii) the use of such annex, and the in-
4 clusion of such person in such annex,
5 would not undermine the overall purpose of
6 this section to publicly identify foreign per-
7 sons engaging in the conduct described in
8 subsection (a) in order to increase account-
9 ability for such conduct; and

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

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

23 (3) REMOVAL.—A foreign person may be re-
24 moved from the list required by subsection (a) if the
25 President determines and reports to the appropriate

1 congressional committees not later than 15 days be-
2 fore the removal of such person from such list
3 that—

4 (A) new, credible information is discovered
5 confirming that such person did not in fact en-
6 gage in the activity for which the person was
7 included in such list;

8 (B) such person has been prosecuted ap-
9 propriately for the activity in which such person
10 engaged; or

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

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

24 (d) REQUESTS FROM CHAIR AND RANKING MEMBER
25 OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

1 (1) CONSIDERATION OF INFORMATION.—In ad-
2 dition to the guidance issued pursuant to subsection
3 (c), the President shall also consider information
4 provided by the Chair or Ranking Member of each
5 of the appropriate congressional committees in de-
6 termining whether to include a foreign person in the
7 list required by subsection (a).

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

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

24 (4) FORM.—The President may transmit a re-
25 sponse required by paragraph (2) or paragraph (3)

1 in classified form if the President determines that it
2 is necessary for the national security interests of the
3 United States to do so.

4 (e) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

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

9 (A) inadmissible to the United States;

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

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

16 (2) CURRENT VISAS REVOKED.—

17 (A) IN GENERAL.—The Secretary of State,
18 or the Secretary of Homeland Security (or a
19 designee of one such Secretaries) shall, in ac-
20 cordance with section 221(i) of the Immigration
21 and Nationality Act (8 U.S.C. 1201(i)), revoke
22 any visa or other entry documentation issued to
23 a foreign person on the list required by sub-
24 section (a) and to each immediate family mem-

1 ber of such person regardless of when the visa
2 or other entry documentation is issued.

3 (B) EFFECT OF REVOCATION.—A revoca-
4 tion under subparagraph (A) shall—

5 (i) take effect immediately; and

6 (ii) automatically cancel any other
7 valid visa or entry documentation that is in
8 the foreign person’s possession.

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) EXCEPTIONS.—

19 (A) EXCEPTION WITH RESPECT TO NA-
20 TIONAL SECURITY.—This section shall not
21 apply with respect to—

22 (i) activities subject to the reporting
23 requirements under title V of the National
24 Security Act of 1947 (50 U.S.C. 3091 et
25 seq.); or

1 (ii) any authorized intelligence or law
2 enforcement activities of the United States.

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

15 (C) EXCEPTION FOR CERTAIN IMMEDIATE
16 FAMILY MEMBERS.—

17 (i) IN GENERAL.—A covered indi-
18 vidual shall not be subject to sanctions
19 under this section if the President certifies
20 to the appropriate congressional commit-
21 tees, in accordance with clause (ii), that
22 such individual has a reasonable fear of
23 persecution based on—

1 (I) actual or perceived sexual ori-
2 entation, gender identity, or sex char-
3 acteristics;

4 (II) race, religion, or nationality;
5 or

6 (III) political opinion or member-
7 ship in a particular social group.

8 (ii) DETERMINATION AND CERTIFI-
9 CATION.—A certification under clause (i)
10 shall be made not later than 30 days after
11 the date of the determination required by
12 such clause. Any proceedings relating to
13 such determination shall not be publicly
14 available.

15 (iii) COVERED INDIVIDUAL.—For pur-
16 poses of this subparagraph, the term “cov-
17 ered individual” means an individual who
18 is an immediate family member of foreign
19 person on the list required by subsection
20 (a).

21 (5) WAIVER.—The President may waive the ap-
22 plication of sanctions or restrictions imposed with
23 respect to a foreign person under this section if the
24 President certifies to the appropriate congressional
25 committees, not later than 15 days before such waiv-

1 er is to take effect, that the waiver is vital to the
2 national interest of the United States.

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

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

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

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

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

24 (g) FORM; PUBLICATION.—The report required by
25 subsection (f) shall be submitted in unclassified form but

1 may include a classified annex. The unclassified portion
2 of such report shall be published on a publicly available
3 website of the Department of State.

4 (h) REPORT ON PREVENTION.—Not later than 180
5 days after the date of the enactment of this Act, the Sec-
6 retary of State shall submit to the appropriate congres-
7 sional committees a report describing steps the Depart-
8 ment can take to improve coordination with foreign gov-
9 ernments, civil society groups, and the private sector, to
10 prevent the commission of the human rights violations de-
11 scribed in section 3(a)(1) against persons based on actual
12 or perceived sexual orientation, gender identity, or sex
13 characteristics.

14 (i) DEFINITIONS.—In this section:

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

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

23 (B) the Committee on Armed Services, the
24 Committee on Foreign Relations, the Com-
25 mittee on Homeland Security and Govern-

1 mental Affairs, and the Committee on the Judi-
2 ciary of the Senate.

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

7 (j) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion may be construed to allow the imposition of sanctions
9 with respect to, or otherwise authorize any other action
10 against, any foreign person based solely upon religious be-
11 lief.

12 **SEC. 4. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**
13 **TION, GENDER IDENTITY, OR SEX CHARAC-**
14 **TERISTICS.**

15 (a) TRACKING VIOLENCE OR CRIMINALIZATION RE-
16 LATED TO SEXUAL ORIENTATION OR GENDER IDEN-
17 TITY.—The Assistant Secretary of State for Democracy,
18 Human Rights, and Labor shall designate one or more
19 Bureau-based senior officer or officers who shall be re-
20 sponsible for tracking violence, criminalization, and re-
21 strictions on the enjoyment of fundamental freedoms in
22 foreign countries based on actual or perceived sexual ori-
23 entation, gender identity, or sex characteristics.

1 (b) ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS
2 PRACTICES.—The Foreign Assistance Act of 1961 is
3 amended—

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

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

7 (B) in paragraph (12)—

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

10 (ii) in subparagraph (C)(ii), by strik-
11 ing the period at the end and inserting “;
12 and”; and

13 (C) by adding at the end the following new
14 paragraph:

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

22 (2) in section 502B(b) (22 U.S.C. 2304(b)), by
23 inserting after the ninth sentence the following new
24 sentence: “Wherever applicable, such report shall
25 also include information relating to violence or dis-

