

GLOBAL RESPECT ACT

JANUARY 10, 2022.—Ordered to be printed

Mr. MEEKS, from the Committee on Foreign Affairs,
 submitted the following

R E P O R T

[To accompany H.R. 3485]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 3485) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:

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

(2) The rights to life, liberty, and security of the person, the right to privacy, and the right to freedom of expression and association are fundamental human rights.

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

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

(5) Every year thousands of individuals around the world are targeted for harassment, attack, arrest, and murder on the basis of their sexual orientation or gender identity.

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

(7) In many instances police, prison, military, and civilian government authorities have been directly complicit in abuses aimed at LGBTQI citizens, including arbitrary arrest, torture, and sexual abuse.

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

(9) Laws criminalizing consensual same-sex relations severely hinder access to HIV/AIDS treatment, information, and preventive measures for LGBTQI individuals and families.

(10) Many countries are making positive developments in the protection of the basic human rights of LGBTQI individuals.

SEC. 3. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR VIOLATIONS OF HUMAN RIGHTS AGAINST LGBTQI PEOPLE.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act and biannually thereafter, the President shall transmit to the appropriate congressional committees a list of each foreign person the President determines, based on credible information, including information obtained by other countries or by nongovernmental organizations that monitor violations of human rights—

(1) is responsible for or complicit in, with respect to persons based on actual or perceived sexual orientation, gender identity, or sex characteristics—

(A) cruel, inhuman, or degrading treatment or punishment;

(B) prolonged detention without charges and trial;

(C) causing the disappearance of such persons by the abduction and clandestine detention of such persons; or

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

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

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

(b) **FORM; UPDATES; REMOVAL.**—

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

(A) determines that—

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

(ii) the use of such annex, and the inclusion of such person in such annex, would not undermine the overall purpose of this section to publicly identify foreign persons engaging in the conduct described in subsection (a) in order to increase accountability for such conduct; and

(B) not later than 15 days before including such person in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including or continuing to include each foreign person in such annex despite the existence of any publicly available credible information indicating that each such foreign person engaged in an activity described in subsection (a).

(2) **UPDATES.**—The President shall transmit to the appropriate congressional committees an update of the list required by subsection (a) as new information becomes available.

(3) **REMOVAL.**—A foreign person may be removed from the list required by subsection (a) if the President determines and reports to the appropriate congressional committees not later than 15 days before the removal of such person from such list that—

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

(B) such person has been prosecuted appropriately for the activity in which such person engaged; or

(C) such person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activities in which such person engaged, and has credibly committed to not engage in an activity described in subsection (a).

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

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

(1) **CONSIDERATION OF INFORMATION.**—In addition to the guidance issued pursuant to subsection (c), the President shall also consider information provided by the Chair or Ranking Member of each of the appropriate congressional committees in determining whether to include a foreign person in the list required by subsection (a).

(2) **REQUESTS.**—Not later than 120 days after receiving a written request from the Chair or Ranking Member of one of the appropriate congressional committees with respect to whether a foreign person meets the criteria for being included in the list required by subsection (a), the President shall transmit a response to such Chair or Ranking Member, as the case may be, with respect to the President's determination relating to such foreign person.

(3) **REMOVAL.**—If the President removes from the list required by subsection (a) a foreign person that had been included in such list pursuant to a request under paragraph (2), the President shall provide to the relevant Chair or Ranking Member of one of the appropriate congressional committees any information that contributed to such decision.

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

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

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

(A) inadmissible to the United States;

(B) ineligible to receive a visa or other documentation to enter the United States; and

(C) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) **CURRENT VISAS REVOKED.**—

(A) **IN GENERAL.**—The issuing consular officer or the Secretary of State, (or a designee of the Secretary of State) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to a foreign person on the list required by subsection (a) and to each immediate family member of such person regardless of when the visa or other entry documentation is issued.

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

(i) take effect immediately; and

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

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

(3) **SENSE OF CONGRESS WITH RESPECT TO ADDITIONAL SANCTIONS.**—It is the sense of Congress that the President should impose additional targeted sanctions with respect to foreign persons on the list required by subsection (a) to

push for accountability for flagrant denials of the right to life, liberty, or the security of the person, through the use of designations and targeted sanctions provided for such conduct under other existing authorities.

(4) **WAIVERS IN THE INTEREST OF NATIONAL SECURITY.**—

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

(i) is necessary to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, or other applicable international obligations of the United States; or

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

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

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

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

(A) the number of foreign persons added to or removed from the list required by subsection (a) during the year preceding each such report, the dates on which such persons were so added or removed, and the reasons for so adding or removing such persons; and

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

(2) any efforts by the President to coordinate with the governments of other countries, as appropriate, to impose sanctions that are similar to the sanctions imposed under this section.

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

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

SEC. 4. DISCRIMINATION RELATED TO SEXUAL ORIENTATION, GENDER IDENTITY, OR SEX CHARACTERISTICS.

(a) **TRACKING VIOLENCE OR CRIMINALIZATION RELATED TO SEXUAL ORIENTATION OR GENDER IDENTITY.**—The Assistant Secretary of State for Democracy, Human Rights, and Labor shall designate a Bureau-based senior officer or officers who shall be responsible for tracking violence, criminalization, and restrictions on the enjoyment of fundamental freedoms in foreign countries based on actual or perceived sexual orientation, gender identity, or sex characteristics.

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

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

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

(B) in paragraph (12)—

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

(ii) in subparagraph (C)(ii), by striking the period at the end and inserting “; and”; and

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

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

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

mental freedoms, including widespread or systematic violation of the freedoms of expression, association, or assembly, of individuals in foreign countries that is based on actual or perceived sexual orientation, gender identity, or sex characteristics.”

PURPOSE AND SUMMARY

H.R. 3485 would require the Administration to provide Congress with a list of foreign individuals found responsible for human rights violations against lesbian, gay, bisexual, transgender, queer/questioning, intersex + (LGBTQI+) persons abroad. Individuals included on this list would be ineligible for visas to, or entry into, the United States. H.R. 3485 also would require the Department of State to designate a senior officer or officers responsible for tracking violence, criminalization, and restrictions on the enjoyment of fundamental freedoms in foreign countries based on actual or perceived sexual orientation, gender identity, or sex characteristics. Finally, this legislation would require the Department of State to include in the annual Report on Human Rights information relating to violence or discrimination against LGBTQI+ communities, as well as provide Congress with an annual report on the status of the implementation of the law.

BACKGROUND AND NEED FOR LEGISLATION

LGBTQI+ persons face serious threats to their safety around the world. Millions of LGBTQI+ persons face risks due to their sexual orientation or gender identity, with penalties ranging from fines, arrest, to even execution. While many countries have made tremendous strides in embracing equality and their LGBTQI+ populations, others remain stagnant or, worse, are backsliding in the further deterioration of LGBTQI+ freedoms.

Countries that have instituted anti-LGBTQI+ laws span the globe. According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), 69 United Nations (UN) member states, accounting for nearly one-third of all UN member states, continue to criminalize same-sex activity. Countries that impose the death penalty for same-sex relationships include Brunei, Iran, Saudi Arabia, Yemen, Sudan, Mauritania, and parts of Nigeria and Somalia. In Poland, nearly 100 regions, towns, and cities, passed symbolic resolutions declaring themselves “LGBT free zones” in an attempt to stigmatize LGBTQI+ persons. In July 2021, Hungary instituted a law banning the “promotion and portrayal of homosexuality” and gender diversity to minors.

The Department of State’s 2020 Country Reports on Human Rights Practices reveal forms of violence and discrimination against LGBTQI+ persons are as varied as they are unjust in a broad swath of countries. In Brazil, violence against LGBTQI+ individuals is a serious concern with, according to one NGO, 124 transgender men and women killed in 2019, resulting in an arrest in only 9 percent of the cases. A survey of more than 200 individuals self-identifying as LGBTQI+ in Iran found, “15 percent reported being victims of sexual violence at their school or university, 30 percent reported being victims of sexual violence by their peers, and more than 42 percent reported being victims of sexual violence in public spaces.” In Nigeria, State Department reporting references civil society documentation of 482 instances of LGBTQI+-

related human rights abuses, by both nonstate actors and state actors. In Russia, LGBTQI+ persons were particular targets of societal violence, with police often failing to respond adequately to such incidents. Legal and societal discrimination may invariably affect LGBTQI+ persons' economic opportunities and access to government protection and services, affecting all areas of life, including employment, education, and health care opportunities.

The COVID-19 pandemic has made passage of the Global Respect Act more critical by exacerbating the vulnerabilities of LGBTQI+ persons. Lockdown orders have resulted in an increase in gender-based violence and the deprivation of critical social support and health networks, and restrictions have even been used as a pretext to target LGBTQI+ persons. For example, in Uganda, 44 individuals at an LGBTQI+ shelter were arrested for violating COVID-19 restrictions and subsequently subjected to dehumanizing treatment, and in Hungary, Prime Minister Viktor Orban has abused emergency powers to pass anti-LGBTQI+ legislation. Moreover, as identified in a joint statement released by 96 independent United Nations experts, "[LGBTQI+] persons are disproportionately represented in the ranks of the poor, people experiencing homelessness, and those without healthcare, meaning that they may be particularly affected as a result of the pandemic." These economic disparities are compounded by existing health disparities, such as increased rates of asthma, HIV/AIDS, cancer, and obesity of LGBTQI+ persons, all of which worsen COVID-19 survival rates.

The Administration has taken meaningful steps to strengthen the United States' position at the forefront of promoting and protecting LGBTQ+ rights. On February 4, 2021, President Biden signed the Memorandum on Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons Around the World, directing executive departments and agencies to ensure U.S. diplomacy and foreign assistance promote and protect the human rights of LGBTQ+ persons everywhere. This robust memorandum calls on agencies to protect vulnerable LGBTQI+ refugees and asylum seekers, expand ongoing agency efforts of engaging with governments, citizens, civil society, and the private sector to promote respect for the human rights of LGBTQI+ persons, develop swift and forceful responses to serious incidents that threaten LGBTQI+ human rights, and build coalitions among like-minded nations in fighting against LGBTQI+ discrimination. The Administration has filled the role of the United States Special Envoy to Advance the Human Rights of LGBTQI+ Persons, increased LGBTQI+ representation within the Foreign Service, updated its policy to recognize the U.S. citizenship of children born abroad to same-sex couples, and has announced the Department of State will begin the process of including a non-binary gender marker on United States passports. The Global Respect Act would allow the Administration to continue this success by providing enhanced tools to protect and defend vulnerable LGBTQI+ persons everywhere.

The Global Respect Act would build on existing sanction authorities by imposing visa sanctions on individuals who violate internationally recognized human rights against LGBTQI+ individuals. While the current authorities of the Global Magnitsky Act apply to human rights violations against LGBTQI+ persons, few such sanctions have been rolled out that cover these crimes. The Global Re-

spect Act would make it mandatory for the Administration to track, respond to, and issue visa sanctions for serious human rights abuses against those in the LGBTQI+ community. As acts of violence against LGBTQI+ communities remain pervasive, often with impunity, this legislation would allow the United States to lead by example and help to deter future human rights violators by losing the privilege of entering the United States.

HEARINGS

In compliance with clause 3(c) of rule XIII of the Rules of the House of Representatives, the following Committee hearing was used to develop and consider H.R. 3485, the Global Respect Act:

On June 24, 2021, the Full Committee held a hearing entitled “Advancing and Protecting LGBTQI+ Rights Abroad.” Witnesses included Mr. Scott Busby, Acting Principal Deputy Assistant Secretary in the Bureau on Democracy, Human Rights, and Labor at the Department of State; Ms. Julie Dorf, Senior Advisor for the Council for Global Equality; Ms. Njeri Gateru, Executive Director for the National Gay & Lesbian Human Rights Commission in Kenya; Ms. Isabela González, activist for the Asociación Colectivo Alejandróa El Salvador; and Mr. W. Cole Durham, Jr., Professor of Law and Founding Director for the International Center for Law and Religion Studies at Brigham Young University Law School.

COMMITTEE CONSIDERATION

The Committee considered H.R. 3485, the Global Respect Act, on September 30, 2021, and ordered the measure, as amended, to be favorably reported to the House of Representatives by voice vote.

Amendments considered separately:

- Cicilline, an amendment in the nature of a substitute to H.R. 3485 (adopted, voice vote)
- Perry #347: Rule of Construction limiting the authorization of sanctions (not adopted, roll call vote 25N–21Y)

Members voting NO (25)

Gregory W. Meeks, D–NY
 Brad Sherman, D–CA
 Albio Sires, D–NJ
 Gerald E. Connolly, D–VA
 Theodore E. Deutch, D–FL
 William R. Keating, D–MA
 David N. Cicilline, D–RI
 Ami Bera, D–CA
 Joaquin Castro, D–TX
 Dina Titus, D–NV
 Ted Lieu, D–CA
 Susan Wild, D–PA
 Dean Phillips, D–MN
 Colin Allred, D–TX
 Andy Levin, D–MI
 Abigail Spanberger, D–VA
 Chrissy Houlahan, D–PA
 Tom Malinowski, D–NJ
 Andy Kim, D–NJ

Sara Jacobs, D-CA
 Kathy Manning, D-NC
 Jim Costa, D-CA
 Juan Vargas, D-CA
 Vicente Gonzalez, D-TX
 Brad Schneider, D-IL
Members voting AYE (21)
 Chris Smith, R-NJ
 Steve Chabot, R-OH
 Joe Wilson, R-SC
 Scott Perry, R-PA
 Darrell Issa, R-OH
 Adam Kinzinger, R-IL
 Lee Zeldin, R-NY
 Ann Wagner, R-MO
 Brian Mast, R-FL
 Brian Fitzpatrick, R-PA
 Tim Burchett, R-TN
 Mark Green, R-FL
 Andy Barr, R-KY
 Greg Steube, R-FL
 Dan Meuser, R-PA
 Claudia Tenney, R-NY
 August Pfluger, R-TX
 Peter Meijer, R-MI
 Ronny Jackson, R-TX
 Young Kim, R-CA
 Maria Elvira Salazar, R-FL

- Perry #348: Sense of Congress on the Afghanistan withdrawal
(not adopted, roll call vote 25N-21Y)

Members voting NO (25)
 Gregory W. Meeks, D-NY
 Brad Sherman, D-CA
 Albio Sires, D-NJ
 Gerald E. Connolly, D-VA
 Theodore E. Deutch, D-FL
 William R. Keating, D-MA
 David N. Cicilline, D-RI
 Ami Bera, D-CA
 Joaquin Castro, D-TX
 Dina Titus, D-NV
 Ted Lieu, D-CA
 Susan Wild, D-PA
 Dean Phillips, D-MN
 Colin Allred, D-TX
 Andy Levin, D-MI
 Abigail Spanberger, D-VA
 Chrissy Houlahan, D-PA
 Tom Malinowski, D-NJ
 Andy Kim, D-NJ
 Sara Jacobs, D-CA
 Kathy Manning, D-NC
 Jim Costa, D-CA
 Juan Vargas, D-CA

Vicente Gonzalez, D-TX
 Brad Schneider, D-IL
Members voting AYE (21)
 Chris Smith, R-NJ
 Steve Chabot, R-OH
 Joe Wilson, R-SC
 Scott Perry, R-PA
 Darrell Issa, R-OH
 Adam Kinzinger, R-IL
 Lee Zeldin, R-NY
 Ann Wagner, R-MO
 Brian Mast, R-FL
 Brian Fitzpatrick, R-PA
 Tim Burchett, R-TN
 Mark Green, R-FL
 Andy Barr, R-KY
 Dan Meuser, R-PA
 Claudia Tenney, R-NY
 August Pfluger, R-TX
 Nicole Malliotakis, R-NY
 Peter Meijer, R-MI
 Ronny Jackson, R-TX
 Young Kim, R-CA
 Maria Elvira Salazar, R-FL

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title; table of contents

Sec. 2. Findings

Findings on fundamental human rights, the trend of global violence against and criminalization of LGBTQI+ persons, and recognizes positive developments in the protection of the basic human rights of LGBTQI+ persons.

Sec. 3. Sanctions on individuals responsible for violations of human rights against LGBTQI+ persons

Directs the President to determine and submit a list of foreign persons that violate the human rights of persons based on actual or perceived sexual orientation, gender identity, or sex characteristics. Establishes criteria for ineligibility and revocation for visas and admission to the United States for designees and their immediate family members. Includes guidelines for waivers and a report to Congress one year after enactment of the bill.

Sec. 4. Discrimination related to sexual orientation, gender identity, or sex characteristics

Directs the Assistant Secretary of State for Democracy, Human Rights, and Labor to designate a senior officer or officers to be responsible for tracking violence, criminalization, and restrictions on the human rights of LGBTQI+ persons and to include this information in the Department of State's annual reporting on human rights practices.

COMMITTEE OVERSIGHT FINDINGS

In compliance with Clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under Clause 2(b)(1) of rule X of the House of Representatives, are incorporated in the descriptive portions of this report, particularly in the “Purpose of Legislation,” “Background and Need for Legislation,” and “Section-by-Section Analysis” sections.

NEW BUDGET AUTHORITY, TAX EXPENDITURES, AND FEDERAL MANDATES

In compliance with clause 3(c)(2) of House Rule XIII and the Unfunded Mandates Reform Act (P.L. 104–4), the committee adopts as its own the estimate of new budget authority, entitlement authority, tax expenditure or revenues, and Federal mandates contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(2) of House Rule XIII and the Unfunded Mandates Reform Act (P.L. 104–4), the committee adopts as its own the estimate of new budget authority, entitlement authority, tax expenditure or revenues, and Federal mandates contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the congressional Budget Act of 1974.

H.R. 3485, Global Respect Act			
As ordered reported by the House Committee on Foreign Affairs on September 30, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	*	*	*
Revenues	*	*	*
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000			

H.R. 3485 would require the Administration to prepare, periodically update, and transmit to the Congress a list of foreign persons who have violated human rights on the basis of the victims’ sexual orientation, gender identity, or sex characteristics. The bill would require the Department of State to designate at least one employee to track such violations. Individuals on that list would be ineligible for visas to, or entry into, the United States. Finally, H.R. 3485

would require the department to report annually to the Congress on its implementation of the bill and related matters.

The Administration has previously imposed similar sanctions. If—by providing explicit authority—enactment of the bill leads the Administration to broaden those sanctions, more people would be denied visas by the Department of State, resulting in an insignificant decrease in revenues from fees. Although most visa fees are retained by the department and spent without further appropriation, some collections are deposited into the Treasury as revenues. Denying foreign nationals entry into the United States also would reduce direct spending on federal benefits (emergency Medicaid or federal subsidies for health insurance, for example) for which those people might otherwise be eligible.

On the basis of data for similar sanctions, CBO estimates that any additional sanctions would affect a small number of people; thus, enacting H.R. 3485 would have insignificant effects on revenues and direct spending, and would, on net, reduce deficits by insignificant amounts over the 2022–2031 period.

Using information about the costs of similar requirements, CBO estimates that preparing the list of sanctionable persons and providing the reports required under H.R. 3485 would cost less than \$500,000 over the 2022–2026 period; such spending would be subject to availability of appropriated funds.

The CBO staff contact for this estimate is Sunita D'Monte. The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.

NON-DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of House Rule XIII, the committee states that no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

PERFORMANCE GOALS AND OBJECTIVES

As explained with greater specificity in the “Purpose and Summary,” “Background and Need for Legislation” and “Section-by-Section Analysis” sections of this report, the general goal of H.R. 3485 is to build on existing sanction authorities by imposing visa sanctions on individuals who have violated human rights on the basis of actual or perceived sexual orientation, gender identity, or sex characteristics.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 3485 does not apply to terms and conditions of employment or to access to public services or accommodations within the legislative branch.

NEW ADVISORY COMMITTEES

H.R. 3485 does not establish or authorize any new advisory committees.

EARMARK IDENTIFICATION

H.R. 3485 contains no congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of House Rule XXI.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

FOREIGN ASSISTANCE ACT OF 1961

* * * * *

PART I

CHAPTER 1—POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

* * * * *

SEC. 116. HUMAN RIGHTS.—(a) No assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, causing the disappearance of persons by the abduction and clandestine detention of those persons, or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.

(b) In determining whether this standard is being met with regard to funds allocated under this part, the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives may require the Administrator primarily responsible for administering part I of this Act to submit in writing information demonstrating that such assistance will directly benefit the needy people in such country, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit the needy people in such country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 617 of this Act.

(b) No assistance may be provided to any government failing to take appropriate and adequate measures, within their means, to protect children from exploitation, abuse or forced conscription into military or paramilitary services.

(c) In determining whether or not a government falls within the provisions of subsection (a) and in formulating development assist-

ance programs under this part, the Administrator shall consider, in consultation with the Assistant Secretary of State for Democracy, Human Rights, and Labor and in consultation with the Ambassador at Large for International Religious Freedom—

(1) the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States;

(2) specific actions which have been taken by the President or the Congress relating to multilateral or security assistance to a less developed country because of the human rights practices or policies of such country; and

(3) whether the government—

(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998), when such efforts could have been reasonably undertaken.

(d) The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by February 25 of each year, a full and complete report regarding—

(1) the status of internationally recognized human rights, within the meaning of subsection (a)—

(A) in countries that receive assistance under this part, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act;

(2) wherever applicable, practices regarding coercion in population control, including coerced abortion and involuntary sterilization;

(3) the status of child labor practices in each country, including—

(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

(B) the extent to which each country enforces such policies, including the adequacy of the resources and oversight dedicated to such policies;

(4) the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year;

(5) the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement;

(6) the steps the Administrator has taken to alter United States programs under this part in any country because of human rights considerations;

(7) wherever applicable, violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998);

(8) wherever applicable, a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur during the preceding year, including descriptions of—

(A) acts of physical violence against, or harassment of Jewish people, and acts of violence against, or vandalism of Jewish community institutions, including schools, synagogues, and cemeteries;

(B) instances of propaganda in government and non-government media that attempt to justify or promote racial hatred or incite acts of violence against Jewish people;

(C) the actions, if any, taken by the government of the country to respond to such violence and attacks or to eliminate such propaganda or incitement;

(D) the actions taken by such government to enact and enforce laws relating to the protection of the right to religious freedom of Jewish people; and

(E) the efforts of such government to promote anti-bias and tolerance education;

(9) wherever applicable, consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987);

(10) for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country;

(11)(A) wherever applicable, a description of the nature and extent—

(i) of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, and the participation of such individuals in such groups; and

(ii) that such individuals take a direct part in hostilities;

(B) what steps, if any, taken by the government of the country to eliminate such practices;

(C) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary; **[and]**

(12) wherever applicable—

(A) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the inde-

pendence of the media, together with an assessment of progress made as a result of those efforts;

(B) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; **[and]**

(C) in countries where there are particularly severe violations of freedom of the press—

(i) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

(ii) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists~~...~~; *and*

(13) wherever applicable, information relating to violence or discrimination that affects fundamental freedoms, including widespread or systematic violation of the freedoms of expression, association, or assembly, of individuals in foreign countries that is based on actual or perceived sexual orientation, gender identity, or sex characteristics.

(e) The President is authorized and encouraged to use not less than \$3,000,000 of the funds made available under this chapter, chapter 10 of this part, and chapter 4 of part II for each fiscal year for studies to identify, and for openly carrying out, programs and activities which will encourage or promote increased adherence to civil and political rights, as set forth in the Universal Declaration of Human Rights, in countries eligible for assistance under this chapter or under chapter 10 of this part, except that funds made available under chapter 10 of this part may only be used under this subsection with respect to countries in sub-Saharan Africa. None of these funds may be used, directly or indirectly, to influence the outcome of any election in any country.

(f)(1) The report required by subsection (d) shall include the following:

(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

(ii) Which government authorities in that country are involved in activities to combat such trafficking.

(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

(iv) What steps the government of that country has taken to prohibit other individuals from participating in

such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.

(g) CHILD MARRIAGE STATUS.—

(1) IN GENERAL.—The report required under subsection (d) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country.

(2) DEFINED TERM.—In this subsection, the term “child marriage” means the marriage of a girl or boy who is—

(A) younger than the minimum age for marriage under the laws of the country in which such girl or boy is a resident; or

(B) younger than 18 years of age, if no such law exists.

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TITLE XII—FAMINE PREVENTION AND FREEDOM FROM HUNGER

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CHAPTER 1—POLICY

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SEC. 502B. HUMAN RIGHTS.—(a)(1) The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.

(2) Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights. Security assistance may not be provided to the police, domestic intelligence, or similar law enforcement forces of a country, and licenses may not be issued under the Export Administration Act of 1979 for the export of crime control and detection instruments and equipment to a country, the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate (when licenses are to be issued pursuant to the Export Administration Act of 1979), that extraordinary circumstances exist warranting provision of such assistance and issuance of such licenses. Assistance may not be provided under chapter 5 of this part to a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that extraordinary circumstances exist warranting provision of such assistance.

(3) In furtherance of paragraphs (1) and (2), the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

(4) In determining whether the government of a country engages in a consistent pattern of gross violations of internationally recognized human rights, the President shall give particular consideration to whether the government—

(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.

(b) The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor and with the assistance of the Ambassador at Large for International Religious Freedom, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. Wherever applicable, such report shall include consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987). Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization. Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998). Wherever applicable, such report shall include a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur, including the descriptions of such acts required under section 116(d)(8). Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country. Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year. Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement. Each report under this section shall also include (i) wherever applicable, a description of the nature and extent of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and extent that such individuals take a direct part in hostilities, (ii) what steps, if any, taken by the government of the country to eliminate such practices, and (iii) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary of State. *Wherever applicable, such report shall also include information relating to violence or discrimination that affects the fundamental freedoms, including widespread or systematic violation of the freedoms of expression, association, or assembly, of individuals in foreign countries that is based on actual or perceived sexual orientation, gender identity, or sex characteristics.* In determining whether a government falls within the provisions of subsection (a)(3) and in the

preparation of any report or statement required under this section, consideration shall be given to—

(1) the relevant findings of appropriate international organizations, including nongovernmental organizations, such as the International Committee of the Red Cross; and

(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights.

(c)(1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Secretary of State shall, within thirty days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor, with respect to the country designated in such request, setting forth—

(A) all the available information about observance of and respect for human rights and fundamental freedom in that country, and a detailed description of practices by the recipient government with respect thereto;

(B) the steps the United States has taken to—

(i) promote respect for and observance of human rights in that country and discourage any practices which are inimical to internationally recognized human rights, and

(ii) publicly or privately call attention to, and disassociate the United States and any security assistance provided for such country from, such practices;

(C) whether, in the opinion of the Secretary of State, notwithstanding any such practices—

(i) extraordinary circumstances exist which necessitate a continuation of security assistance for such country, and, if so, a description of such circumstances and the extent to which such assistance should be continued (subject to such conditions as Congress may impose under this section), and

(ii) on all the facts it is in the national interest of the United States to provide such assistance; and

(D) such other information as such committee or such House may request.

(2)(A) A resolution of request under paragraph (1) of this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) The term “certification”, as used in section 601 of such Act, means, for the purposes of this subsection, a resolution of request of the Senate under paragraph (1) of this subsection.

(3) In the event a statement with respect to a country is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within thirty days after receipt of such request, no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law from such country unless and until such statement is transmitted.

(4)(A) In the event a statement with respect to a country is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating, restricting, or continuing security assistance for such country. In the event such a joint resolution is adopted, such assistance shall be so terminated, so restricted, or so continued, as the case may be.

(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

(d) For the purposes of this section—

(1) the term "gross violations of internationally recognized human rights" includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person;

(2) the term "security assistance" means—

(A) assistance under chapter 2 (military assistance) or chapter 4 (economic support fund) or chapter 5 (military education and training) or chapter 6 (peacekeeping operations) or chapter 8 (antiterrorism assistance) of this part;

(B) sales of defense articles or services, extensions of credits (including participations in credits), and guaranties of loans under the Arms Export Control Act; or

(C) any license in effect with respect to the export to or for the armed forces, police, intelligence, or other internal security forces of a foreign country of—

(i) defense articles or defense services under section 38 of the Armed Export Control Act (22 U.S.C. 2778); or

(ii) items listed under the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations;

(e) Notwithstanding any other provision of law, funds authorized to be appropriated under part I of this Act may be made available for the furnishing of assistance to any country with respect to which the President finds that such a significant improvement in its human rights record has occurred as to warrant lifting the prohibition on furnishing such assistance in the national interest of the United States.

(f) In allowing the funds authorized to be appropriated by this Act and the Arms Export Control Act, the President shall take into account significant improvements in the human rights records of recipient countries, except that such allocations may not contravene any other provision of law.

(g) Whenever the provisions of subsection (e) or (f) of this section are applied, the President shall report to the Congress before making any funds available pursuant to those subsections. The report shall specify the country involved, the amount and kinds of assistance to be provided, and the justification for providing the assist-

ance, including a description of the significant improvements which have occurred in the country's human rights record.

(h)(1) The report required by subsection (b) shall include the following:

(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

(ii) Which government authorities in that country are involved in activities to combat such trafficking.

(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.

(i) The report required by subsection (b) shall include, wherever applicable—

(1) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

(2) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

(3) in countries where there are particularly severe violations of freedom of the press—

(A) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

(B) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.

(i) CHILD MARRIAGE STATUS.—

(1) IN GENERAL.—The report required under subsection (b) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country.

(2) DEFINED TERM.—In this subsection, the term “child marriage” means the marriage of a girl or boy who is—

(A) younger than the minimum age for marriage under the laws of the country in which such girl or boy is a resident; or

(B) younger than 18 years of age, if no such law exists.

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