

117TH CONGRESS
1ST SESSION

S. _____

To protect human rights and enhance opportunities for LGBTQI people around the world, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself, Mrs. SHAHEEN, Mr. MERKLEY, Mr. LEAHY, Mr. VAN HOLLEN, Mr. BLUMENTHAL, Mr. WYDEN, Mr. CARDIN, Mr. DURBIN, Mr. BOOKER, Mr. MURPHY, Ms. KLOBUCHAR, Mr. PADILLA, Mr. WHITEHOUSE, Mr. SCHATZ, Mr. CASEY, Mr. COONS, Ms. BALDWIN, Mrs. MURRAY, Ms. STABENOW, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To protect human rights and enhance opportunities for LGBTQI people around the world, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLES; TABLE OF CONTENTS.**

4 (a) SHORT TITLES.—This Act may be cited as the
5 “Greater Leadership Overseas for the Benefit of Equality
6 Act of 2021” or the “GLOBE Act of 2021”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short titles; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Documenting and responding to bias-motivated violence against LGBTQI people abroad.
- Sec. 5. Sanctions on individuals responsible for violations of human rights against LGBTQI people.
- Sec. 6. Combating international criminalization of LGBTQI status, expression, or conduct.
- Sec. 7. Foreign assistance to protect human rights of LGBTQI people.
- Sec. 8. Global health inclusivity.
- Sec. 9. Immigration reform.
- Sec. 10. Issuance of passports and guarantee of citizenship to certain children born abroad.
- Sec. 11. Engaging international organizations in the fight against LGBTQI discrimination.
- Sec. 12. Representing the rights of LGBTQI United States citizens deployed to diplomatic and consular posts.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The norms of good governance, human
4 rights protections, and the rule of law have been vio-
5 lated unconscionably with respect to LGBTQI people
6 in an overwhelming majority of countries around the
7 world, where LGBTQI people face violence, hatred,
8 bigotry, and discrimination because of who they are
9 and who they love.

10 (2) In at least 68 countries (almost 40 percent
11 of countries in the world), same-sex relations and re-
12 lationships are criminalized. Many countries also
13 criminalize or otherwise prohibit cross-dressing and
14 gender-affirming treatments for transgender individ-
15 uals.

16 (3) The World Bank has begun to measure the
17 macro-economic costs of criminal laws targeting

1 LGBTQI individuals through lost productivity, detri-
2 mental health outcomes and violence, as a step to-
3 ward mitigating those costs.

4 (4) Violence and discrimination based on sexual
5 orientation and gender identity are documented in
6 the Department of State's annual Country Human
7 Rights Reports to Congress. These reports continue
8 to show a clear pattern of human rights violations,
9 including murder, rape, torture, death threats, extor-
10 tion, and imprisonment, in every region of the world
11 based on sexual orientation and gender identity. In
12 many instances police, prison, military, and civilian
13 government authorities have been directly complicit
14 in abuses aimed at LGBTQI citizens.

15 (5) As documented by the Department of State,
16 LGBTQI individuals are subjected in many coun-
17 tries to capricious imprisonment, loss of employ-
18 ment, housing, access to health care, and societal
19 stigma and discrimination. LGBTQI-specific restric-
20 tions on basic freedoms of assembly, press, and
21 speech exist in every region of the world.

22 (6) Targeted sanctions are an important tool to
23 push for accountability for violations of the human
24 rights of LGBTQI people.

1 (7) Anti-LGBTQI laws and discrimination pose
2 significant risks for LGBTQI youth who come out to
3 their family or community and often face rejection,
4 homelessness, and limited educational and economic
5 opportunities. These factors contribute to increased
6 risks of substance abuse, suicide, and HIV infection
7 among LGBTQI youth.

8 (8) Anti-LGBTQI laws also increase global
9 health risks. Studies have shown that when
10 LGBTQI people (especially LGBTQI youth) face
11 discrimination, they are less likely to seek HIV test-
12 ing, prevention, and treatment services.

13 (9) LGBTQI populations are disproportionately
14 impacted by the Mexico City Policy, also widely re-
15 ferred to as the “global gag rule”. LGBTQI people
16 often receive much of their health care through re-
17 productive health clinics, and organizations that can-
18 not comply with the policy are forced to discontinue
19 work on United States-supported global health
20 projects that are frequently used by LGBTQI popu-
21 lations, including HIV prevention and treatment,
22 stigma reduction, and research.

23 (10) Because they face tremendous discrimina-
24 tion in the formal labor sector, many sex workers
25 are also LGBTQI individuals, and many sex-worker-

1 led programs and clinics serve the LGBTQI commu-
2 nity with safe, non-stigmatizing, medical and social
3 care. The United States Agency for International
4 Development has also referred to sex workers as a
5 “most-at-risk population”. The anti-prostitution loy-
6 alty oath that health care providers receiving United
7 States assistance must take isolates sex-worker-led
8 and serving groups from programs and reinforces
9 stigma, undermining both the global AIDS response
10 and human rights. A 2013 Supreme Court opinion
11 held this requirement to be unconstitutional as it ap-
12 plies to United States nongovernmental organiza-
13 tions and their foreign affiliates.

14 (11) According to the Trans Murder Monitoring
15 Project, which monitors homicides of transgender in-
16 dividuals, there were at least 350 cases of reported
17 killings of trans and gender-diverse people between
18 October 2019 and September 2020.

19 (12) In many countries, intersex individuals ex-
20 perience prejudice and discrimination because their
21 bodies do not conform to general expectations about
22 sex and gender. Because of these expectations, medi-
23 cally unnecessary interventions are often performed
24 in infancy without the consent or approval of

1 intersex individuals, in violation of international
2 human rights standards.

3 (13) Asylum and refugee protection are critical
4 last-resort protections for LGBTQI individuals, but
5 those who seek such protections face ostracization
6 and abuse in refugee camps and detention facilities.
7 They are frequently targeted for violence, including
8 sexual assault, in refugee camps and in immigration
9 detention. LGBTQI individuals may be segregated
10 against their will for long periods in solitary confine-
11 ment, in an effort to protect them from such vio-
12 lence, but prolonged solitary confinement itself rep-
13 resents an additional form of abuse that is pro-
14 foundly damaging to the social and psychological
15 well-being of any individual.

16 (14) The global COVID–19 pandemic has exac-
17 erbated inequalities faced by LGBTQI individuals,
18 including access to health care, stigma, and discrimi-
19 nation, undermining LGBTQI rights around the
20 world.

21 (15) In December 2011, President Barack
22 Obama directed all Federal foreign affairs agencies
23 to ensure that their diplomatic, humanitarian, health
24 and foreign assistance programs take into account

1 the needs of marginalized LGBTQI communities
2 and persons.

3 (16) In 2015, the Department of State estab-
4 lished the position of Special Envoy for the Human
5 Rights of LGBTQI Persons.

6 (17) In 2021, President Joseph Biden issued
7 the Memorandum on Advancing the Human Rights
8 of Lesbian, Gay, Bisexual, Transgender, Queer, and
9 Intersex Persons Around the World, which stated
10 that it “shall be the policy of the United States to
11 pursue an end to violence and discrimination on the
12 basis of sexual orientation, gender identity or ex-
13 pression, or sex characteristics” and called for
14 United States global leadership“ in the cause of ad-
15 vancing the human rights of LGBTQI+ persons
16 around the world”.

17 (18) In 2020, in *Bostock v. Clayton County*, the
18 Supreme Court held that Title VII of the Civil
19 Rights Act of 1964 (42 U.S.C. 2000e et seq.) pro-
20 hibits discrimination on the basis of gender identity
21 and sexual orientation. On January 20, 2021 Presi-
22 dent Biden issued Executive Order 13988 (86 Fed.
23 Reg. 7023) to enforce this holding, which orders all
24 Federal agency heads, including the Secretary of
25 State and the Administrator of the United States

1 Agency for International Development, to review
2 agency actions to determine what additional steps
3 should be taken to ensure that agency policies are
4 consistent with the nondiscrimination policy set
5 forth in the Executive Order.

6 (19) The use of United States diplomatic tools,
7 including the Department of State’s exchange and
8 speaker programs, to address the human rights
9 needs of marginalized communities has helped in-
10 form public debates in many countries regarding the
11 protective responsibilities of any democratic govern-
12 ment.

13 (20) Inclusion of human rights protections for
14 LGBTQI individuals in United States trade agree-
15 ments, such as the Agreement between the United
16 States of America, the United Mexican States, and
17 Canada (commonly known as the “USMCA”) and
18 trade preference programs, is intended—

19 (A) to ensure a level playing field for
20 United States businesses; and

21 (B) to provide greater workplace protec-
22 tions overseas, compatible with those of the
23 United States.

24 (21) Engaging multilateral fora and inter-
25 national institutions is critical to impacting global

1 norms and to broadening global commitments to
2 fairer standards for the treatment of all people, in-
3 cluding LGBTQI people. The United States must
4 remain a leader in the United Nations system and
5 has a vested interest in the success of that multilat-
6 eral engagement.

7 (22) Ongoing United States participation in the
8 Equal Rights Coalition, which is a new intergovern-
9 mental coalition of more than 40 governments and
10 leading civil society organizations that work together
11 to protect the human rights of LGBTQI people
12 around the world, remains vital to international ef-
13 forts to respond to violence and impunity.

14 (23) Those who represent the United States
15 abroad, including our diplomats, development spe-
16 cialists and military, should reflect the diversity of
17 our country and honor America’s call to equality, in-
18 cluding through proud and open service abroad by
19 LGBTQI Americans and those living with HIV.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—Except as provided in section 5, the term
24 “appropriate congressional committees” means—

1 (A) the Committee on Foreign Relations of
2 the Senate;

3 (B) the Committee on the Judiciary of the
4 Senate;

5 (C) the Committee on Appropriations of
6 the Senate;

7 (D) the Committee on Foreign Affairs of
8 the House of Representatives;

9 (E) the Committee on the Judiciary of the
10 House of Representatives; and

11 (F) the Committee on Appropriations of
12 the House of Representatives.

13 (2) GENDER IDENTITY.—The term “gender
14 identity” means the gender-related identity, appear-
15 ance, or mannerisms or other gender-related charac-
16 teristics of an individual, regardless of the individ-
17 ual’s designated sex at birth.

18 (3) LGBTQI.—The term “LGBTQI” means
19 lesbian, gay, bisexual, transgender, queer, or
20 intersex.

21 (4) MEMBER OF A VULNERABLE GROUP.—The
22 term “member of a vulnerable group” means an
23 alien who—

24 (A) is younger than 21 years of age or
25 older than 60 years of age;

1 (B) is pregnant;

2 (C) identifies as lesbian, gay, bisexual,
3 transgender, or intersex;

4 (D) is victim or witness of a crime;

5 (E) has filed a nonfrivolous civil rights
6 claim in Federal or State court;

7 (F) has a serious mental or physical illness
8 or disability;

9 (G) has been determined by an asylum of-
10 ficer in an interview conducted under section
11 235(b)(1)(B) of the Immigration and Nation-
12 ality Act (8 U.S.C. 1225(b)(1)(B)) to have a
13 credible fear of persecution; or

14 (H) has been determined by an immigra-
15 tion judge or by the Secretary of Homeland Se-
16 curity, based on information obtained during in-
17 take, from the alien's attorney or legal service
18 provider, or through credible self-reporting, to
19 be—

20 (i) experiencing severe trauma; or

21 (ii) a survivor of torture or gender-
22 based violence.

23 (5) SEXUAL ORIENTATION.—The term “sexual
24 orientation” means actual or perceived homosex-
25 uality, heterosexuality, or bisexuality.

1 **SEC. 4. DOCUMENTING AND RESPONDING TO BIAS-MOTI-**
2 **VATED VIOLENCE AGAINST LGBTQI PEOPLE**
3 **ABROAD.**

4 (a) INFORMATION REQUIRED TO BE INCLUDED IN
5 ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRAC-
6 TICES.—

7 (1) SECTION 116.—Section 116(d) of the For-
8 eign Assistance Act of 1961 (22 U.S.C. 2151n(d))
9 is amended—

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

12 (B) in paragraph (12)(C)(ii), by striking
13 the period at the end and inserting “; and”;
14 and

15 (C) by adding at the end the following:

16 “(13) wherever applicable, the nature and ex-
17 tent of criminalization, discrimination, and violence
18 based on sexual orientation or gender identity, in-
19 cluding the identification of countries that have
20 adopted laws or constitutional provisions that crim-
21 inalize or discriminate based on sexual orientation or
22 gender identity, including detailed descriptions of
23 such laws and provisions.”.

24 (2) SECTION 502B.—Section 502B of the For-
25 eign Assistance Act of 1961 (22 U.S.C. 2304) is
26 amended—

1 (A) by redesignating the second subsection
2 (i) (relating to child marriage status) as sub-
3 section (j); and

4 (B) by adding at the end the following:

5 “(k) SEXUAL ORIENTATION AND GENDER IDEN-
6 TITY.—The report required under subsection (b) shall in-
7 clude, wherever applicable, the nature and extent of crim-
8 inalization, discrimination, and violence based on sexual
9 orientation or gender identity, including the identification
10 of countries that have adopted laws or constitutional pro-
11 visions that criminalize or discriminate based on sexual
12 orientation or gender identity, including detailed descrip-
13 tions of such laws and provisions.”.

14 (b) REVIEW AT DIPLOMATIC AND CONSULAR
15 POSTS.—

16 (1) IN GENERAL.—In preparing the annual
17 country reports on human rights practices required
18 under section 116 or 502B of the Foreign Assist-
19 ance Act of 1961, as amended by subsection (a), the
20 Secretary of State shall obtain information from
21 each diplomatic and consular post with respect to—

22 (A) incidents of violence against LGBTQI
23 people in the country in which such post is lo-
24 cated;

1 (B) an analysis of the factors enabling or
2 aggravating such incidents, such as government
3 policy, societal pressure, or external actors; and

4 (C) the response (whether public or pri-
5 vate) of the personnel of such post with respect
6 to such incidents.

7 (2) ADDRESSING BIAS-MOTIVATED VIOLENCE.—

8 The Secretary of State shall include in the annual
9 strategic plans of the regional bureaus concrete dip-
10 lomatic strategies, programs, and policies to address
11 bias-motivated violence using information obtained
12 pursuant to paragraph (1), such as programs to
13 build capacity among civil society or governmental
14 entities to document, investigate, and prosecute in-
15 stances of such violence and provide support to vic-
16 tims of such violence.

17 (c) INTERAGENCY GROUP.—

18 (1) ESTABLISHMENT.—There is established an
19 interagency group on responses to urgent threats to
20 LGBTQI people in foreign countries (referred to in
21 this subsection as the “interagency group”), which—

22 (A) shall be chaired by the Secretary of
23 State; and

24 (B) shall include the Secretary of Defense,
25 the Secretary of the Treasury, the Adminis-

1 trator of the United States Agency for Inter-
2 national Development, the Attorney General,
3 and the head of each other Federal department
4 or agency that the President determines is rel-
5 evant to the duties of the interagency group.

6 (2) DUTIES.—The duties of the interagency
7 group shall be—

8 (A) to coordinate the responses of each
9 participating agency with respect to threats di-
10 rected towards LGBTQI populations in other
11 countries;

12 (B) to develop longer-term approaches to
13 policy developments and incidents negatively
14 impacting the LGBTQI populations in specific
15 countries;

16 (C) to advise the President on the designa-
17 tion of foreign persons for sanctions pursuant
18 to section 5;

19 (D) to identify United States laws and
20 policies, at the Federal, State, and local levels,
21 that affirm the equality of LGBTQI persons;
22 and

23 (E) to use such identified laws and policies
24 to develop diplomatic strategies to share the ex-
25 pertise obtained from the implementation of

1 such laws and policies with appropriate officials
2 of countries where LGBTQI persons do not
3 enjoy equal protection under the law.

4 (d) SPECIAL ENVOY FOR THE HUMAN RIGHTS OF
5 LGBTQI PEOPLES.—

6 (1) ESTABLISHMENT.—The Secretary of State
7 shall establish, in the Bureau of Democracy, Human
8 Rights, and Labor of the Department of State, a
9 permanent Special Envoy for the Human Rights of
10 LGBTQI Peoples (referred to in this section as the
11 “Special Envoy”), who—

12 (A) shall be appointed by the President;

13 and

14 (B) shall report directly to the Assistant
15 Secretary for Democracy, Human Rights, and
16 Labor.

17 (2) RANK.—The Special Envoy may be ap-
18 pointed at the rank of Ambassador.

19 (3) PURPOSES.—The Special Envoy shall—

20 (A) direct the efforts of the United States
21 Government relating to United States foreign
22 policy, as directed by the Secretary, regard-
23 ing—

1 (i) human rights abuses against
2 LGBTQI people and communities inter-
3 nationally; and

4 (ii) the advancement of human rights
5 for LGBTQI people; and

6 (B) represent the United States inter-
7 nationally in bilateral and multilateral engage-
8 ment on the matters described in subparagraph
9 (A).

10 (4) DUTIES.—

11 (A) IN GENERAL.—The Special Envoy—

12 (i) shall serve as the principal advisor
13 to the Secretary of State regarding human
14 rights for LGBTQI people internationally;

15 (ii) notwithstanding any other provi-
16 sion of law—

17 (I) shall direct activities, policies,
18 programs, and funding relating to the
19 human rights of LGBTQI people and
20 the advancement of LGBTQI equality
21 initiatives internationally, for all bu-
22 reaus and offices of the Department
23 of State; and

24 (II) shall lead the coordination of
25 relevant international programs for all

1 other Federal agencies relating to
2 such matters;

3 (iii) shall represent the United States
4 in diplomatic matters relevant to the
5 human rights of LGBTQI people, includ-
6 ing criminalization, discrimination, and vi-
7 olence against LGBTQI people internation-
8 ally;

9 (iv) shall direct, as appropriate,
10 United States Government resources to re-
11 spond to needs for protection, integration,
12 resettlement, and empowerment of
13 LGBTQI people in United States Govern-
14 ment policies and international programs,
15 including to prevent and respond to crim-
16 inalization, discrimination, and violence
17 against LGBTQI people internationally;

18 (v) shall design, support, and imple-
19 ment activities regarding support, edu-
20 cation, resettlement, and empowerment of
21 LGBTQI people internationally, including
22 for the prevention and response to crim-
23 inalization, discrimination, and violence
24 against LGBTQI people internationally;

1 (vi) shall lead interagency coordina-
2 tion between the foreign policy priorities
3 related to the human rights of LGBTQI
4 people and the development assistance pri-
5 orities of the LGBTQI Coordinator of the
6 United States Agency for International
7 Development;

8 (vii) shall conduct regular consultation
9 with nongovernmental organizations work-
10 ing to prevent and respond to criminaliza-
11 tion, discrimination, and violence against
12 LGBTQI people internationally;

13 (viii) shall ensure that—

14 (I) programs, projects, and ac-
15 tivities of the Department of State
16 and the United States Agency for
17 International Development designed
18 to prevent and respond to criminaliza-
19 tion, discrimination, and violence
20 against LGBTQI people internation-
21 ally are subject to rigorous monitoring
22 and evaluation; and

23 (II) there is a uniform set of in-
24 dicators and standards for such moni-
25 toring and evaluation that is used

1 across international programs in Fed-
2 eral agencies; and

3 (ix) is authorized to represent the
4 United States in bilateral and multilateral
5 fora on matters relevant to the human
6 rights of LGBTQI people internationally,
7 including criminalization, discrimination,
8 and violence against LGBTQI people inter-
9 nationally.

10 (5) DATA REPOSITORY.—The Bureau of De-
11 mocracy, Human Rights, and Labor—

12 (A) shall be the central repository of data
13 on all United States programs, projects, and ac-
14 tivities that relate to prevention and response to
15 criminalization, discrimination, and violence
16 against LGBTQI people internationally; and

17 (B) shall produce—

18 (i) a full accounting of United States
19 Government spending on such programs,
20 projects, and activities; and

21 (ii) evaluations of the effectiveness of
22 such programs, projects, and activities.

23 (e) TRAINING AT INTERNATIONAL LAW ENFORCE-
24 MENT ACADEMIES.—The President shall ensure that any
25 international law enforcement academy supported by

1 United States assistance shall provide training with re-
2 spect to the rights of LGBTQI people, including through
3 specialized courses highlighting best practices in the docu-
4 mentation, investigation and prosecution of bias-motivated
5 hate crimes targeting persons based on actual or perceived
6 sexual orientation, gender identity, or sex characteristics.

7 **SEC. 5. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR**
8 **VIOLATIONS OF HUMAN RIGHTS AGAINST**
9 **LGBTQI PEOPLE.**

10 (a) DEFINITIONS.—In this section:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Armed Services of
15 the Senate;

16 (B) the Committee on Foreign Relations of
17 the Senate;

18 (C) the Committee on Homeland Security
19 and Governmental Affairs of the Senate;

20 (D) the Committee on the Judiciary of the
21 Senate;

22 (E) the Committee on Armed Services of
23 the House of Representatives;

24 (F) the Committee on Foreign Affairs of
25 the House of Representatives;

1 (G) the Committee on Homeland Security
2 of the House of Representatives; and

3 (H) the Committee on the Judiciary of the
4 House of Representatives.

5 (2) FOREIGN PERSON.—The term “foreign per-
6 son” has the meaning given such term in section
7 595.304 of title 31, Code of Federal Regulations (as
8 in effect on the day before the date of the enactment
9 of this Act).

10 (3) IMMEDIATE FAMILY MEMBER.—The term
11 “immediate family member” has the meaning given
12 such term for purposes of section 7031(e) of the De-
13 partment of State, Foreign Operations, and Related
14 Programs Appropriations Act, 2021 (division K of
15 Public Law 116–260).

16 (4) PERSON.—The term “person” has the
17 meaning given such term in section 591.308 of title
18 31, Code of Federal Regulations (as in effect on the
19 day before the date of the enactment of this Act).

20 (b) 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 submit 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) cruel, inhuman, or degrading treat-
7 ment 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;

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); or

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

21 (c) FORM; UPDATES; REMOVAL.—

22 (1) FORM.—The list required under subsection
23 (b) shall be submitted in unclassified form and pub-
24 lished in the Federal Register without regard to the
25 requirements of section 222(f) of the Immigration

1 and Nationality Act (8 U.S.C. 1202(f)) with respect
2 to confidentiality of records pertaining to the
3 issuance or refusal of visas or permits to enter the
4 United States, except that the President may include
5 a foreign person in a classified, unpublished annex
6 to such list if the President—

7 (A) determines that—

8 (i) such annex is vital for the national
9 security interests of the United States; 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 (b) 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 (b).

1 (2) UPDATES.—The President shall submit to
2 the appropriate congressional committees an update
3 of the list required under subsection (b) as new in-
4 formation becomes available.

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

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

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

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

23 (d) PUBLIC SUBMISSION OF INFORMATION.—The
24 President shall issue public guidance, including through
25 United States diplomatic and consular posts, setting forth

1 the manner by which the names of foreign persons that
2 may meet the criteria to be included on the list required
3 under subsection (b) may be submitted to the Department
4 of State for evaluation.

5 (e) REQUESTS FROM CHAIR AND RANKING MEMBER
6 OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

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

14 (2) REQUESTS.—Not later than 120 days after
15 receiving a written request from the Chair or Rank-
16 ing Member of 1 of the appropriate congressional
17 committees with respect to whether a foreign person
18 meets the criteria for being included in the list re-
19 quired under subsection (b), the President shall re-
20 spond to such Chair or Ranking Member, as the
21 case may be, with respect to the President's deter-
22 mination relating to such foreign person.

23 (3) REMOVAL.—If the President removes a for-
24 eign person from the list required under subsection
25 (b) that had been included in such list pursuant to

1 a request under paragraph (2), the President shall
2 provide to the relevant Chair or Ranking Member of
3 1 of the appropriate congressional committees any
4 information that contributed to such decision.

5 (4) FORM.—The President may submit the re-
6 sponse required under paragraph (2) or paragraph
7 (3) in classified form if the President determines
8 that such form is necessary for the national security
9 interests of the United States.

10 (f) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

11 (1) INELIGIBILITY FOR VISAS AND ADMISSION
12 TO THE UNITED STATES.—A foreign person on the
13 list required under subsection (b), and each imme-
14 diate family member of such person, is—

15 (A) inadmissible to the United States;

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

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

22 (2) CURRENT VISAS REVOKED.—

23 (A) IN GENERAL.—The issuing consular
24 officer or the Secretary of State, (or a designee
25 of the Secretary of State), in accordance with

1 section 221(i) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1201(i)), shall revoke any
3 visa or other entry documentation issued to a
4 foreign person on the list required under sub-
5 section (b), and any visa or other entry docu-
6 mentation issued to any 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 (C) RULEMAKING.—Not later than 180
16 days after the date of the enactment of this
17 Act, the Secretary of State shall prescribe such
18 regulations as may be necessary to carry out
19 this subsection.

20 (D) EXCEPTION TO COMPLY WITH INTER-
21 NATIONAL OBLIGATIONS.—Sanctions under this
22 subsection shall not apply with respect to a for-
23 eign person if admitting or paroling such per-
24 son into the United States is necessary to per-
25 mit the United States to comply with the

1 Agreement regarding the Headquarters of the
2 United Nations, signed at Lake Success, June
3 26, 1947, and entered into force November 21,
4 1947, between the United Nations and the
5 United States, or other applicable international
6 obligations.

7 (3) SENSE OF CONGRESS WITH RESPECT TO
8 ADDITIONAL SANCTIONS.—It is the sense of Con-
9 gress that the President should impose additional
10 targeted sanctions with respect to foreign persons on
11 the list required under subsection (b) to push for ac-
12 countability for flagrant denials of the right to life,
13 liberty, or the security of the person, through the
14 use of designations and targeted sanctions provided
15 for such conduct under other existing authorities.

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

18 (A) IN GENERAL.—The President may
19 waive the application of paragraph (1) or (2)
20 with respect to a foreign person included in the
21 list required under subsection (b) if the Presi-
22 dent determines, and submits to the appro-
23 priate congressional committees notice of, and
24 justification for, such determination, that such
25 a waiver—

1 (i) is necessary to permit the United
2 States to comply with the Agreement be-
3 tween the United Nations and the United
4 States of America regarding the Head-
5 quarters of the United Nations, signed
6 June 26, 1947, and entered into force No-
7 vember 21, 1947, or other applicable inter-
8 national obligations of the United States;
9 or

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

12 (B) TIMING OF CERTAIN WAIVERS.—A
13 waiver pursuant to a determination under sub-
14 paragraph (A)(ii) shall be submitted not later
15 than 15 days before the granting of such waiv-
16 er.

17 (g) REPORT TO CONGRESS.—Not later than 1 year
18 after the date of the enactment of this Act, and annually
19 thereafter, the President, acting through the Secretary of
20 State, shall submit a report to the appropriate congres-
21 sional committees that describes—

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

24 (A) the number of foreign persons added
25 to or removed from the list required under sub-

1 section (b) during the year immediately pre-
2 ceding each such report;

3 (B) the dates on which such persons were
4 added or removed;

5 (C) the reasons for adding or removing
6 such persons; and

7 (D) an analysis that compares increases or
8 decreases in the number of such persons added
9 or removed year-over-year and the reasons for
10 such increases or decreases; and

11 (2) any efforts by the President to coordinate
12 with the governments of other countries, as appro-
13 priate, to impose sanctions that are similar to the
14 sanctions imposed under this section.

15 **SEC. 6. COMBATING INTERNATIONAL CRIMINALIZATION OF**
16 **LGBTQI STATUS, EXPRESSION, OR CONDUCT.**

17 (a) ANNUAL STRATEGIC REVIEW.—The Secretary of
18 State, in consultation with the Administrator of the
19 United States Agency for International Development, shall
20 include, during the course of annual strategic planning,
21 an examination of—

22 (1) the progress made in countries around the
23 world toward the decriminalization of the status, ex-
24 pression, and conduct of LGBTQI individuals;

1 (2) the obstacles that remain toward achieving
2 such decriminalization; and

3 (3) the strategies available to the Department
4 of State and the United States Agency for Inter-
5 national Development to address such obstacles.

6 (b) ELEMENTS.—The examination described in sub-
7 section (a) shall include—

8 (1) an examination of the full range of criminal
9 and civil laws of other countries that disproportion-
10 ately impact communities of LGBTQI individuals or
11 apply with respect to the conduct of LGBTQI indi-
12 viduals;

13 (2) in consultation with the Attorney General,
14 a list of countries in each geographic region with re-
15 spect to which—

16 (A) the Attorney General, acting through
17 the Office of Overseas Prosecutorial Develop-
18 ment Assistance and Training of the Depart-
19 ment of Justice, shall prioritize programs seek-
20 ing—

21 (i) to decriminalize the status, expres-
22 sion, and conduct of LGBTQI individuals;

23 (ii) to monitor the trials of those pros-
24 ecuted because of such status, expression,
25 or conduct; and

1 (iii) to reform related laws having a
2 discriminatory impact on LGBTQI individ-
3 uals;

4 (B) applicable speaker or exchange pro-
5 grams sponsored by the United States Govern-
6 ment shall bring together civil society and gov-
7 ernmental leaders—

8 (i) to promote the recognition of
9 LGBTQI rights through educational ex-
10 changes in the United States; and

11 (ii) to support better understanding of
12 the role that governments and civil soci-
13 eties mutually play in assurance of equal
14 treatment of LGBTQI populations abroad.

15 **SEC. 7. FOREIGN ASSISTANCE TO PROTECT HUMAN RIGHTS**
16 **OF LGBTQI PEOPLE.**

17 (a) SENSE OF CONGRESS.— It is the sense of Con-
18 gress that the full implementation of Executive Order
19 13988 (86 Fed. Reg. 7023; January 20, 2021) and the
20 holding in *Bostock v. Clayton County* requires that United
21 States foreign assistance and development organizations
22 adopt the policy that no contractor, grantee, or imple-
23 menting partner administering United States assistance
24 for any humanitarian, development, or global health pro-
25 grams may discriminate against any employee or applicant

1 for employment because of their gender identity or sexual
2 orientation.

3 (b) GLOBAL EQUALITY FUND.—

4 (1) IN GENERAL.—The Secretary of State shall
5 establish a fund, to be known as the “Global Equal-
6 ity Fund”, to be managed by the Assistant Sec-
7 retary of the Bureau of Democracy, Human Rights
8 and Labor, consisting of such sums as may be ap-
9 propriated to provide grants, emergency assistance,
10 and technical assistance to eligible civil society orga-
11 nizations and human rights defenders working to ad-
12 vance and protect human rights for all including
13 LGBTQI persons, by seeking—

14 (A) to ensure the freedoms of assembly,
15 association, and expression;

16 (B) to protect persons or groups against
17 the threat of violence, including medically un-
18 necessary interventions performed on intersex
19 infants;

20 (C) to advocate against laws that—

21 (i) criminalize LGBTQI status, ex-
22 pression, or conduct; or

23 (ii) discriminate against individuals on
24 the basis of sexual orientation, gender
25 identity, or sex characteristics;

1 (D) to end explicit and implicit forms of
2 discrimination in the workplace, housing, edu-
3 cation, and other public institutions or services;
4 and

5 (E) to build community awareness and
6 support for the human rights of LGBTQI per-
7 sons.

8 (2) CONTRIBUTIONS.—The Secretary of State
9 may accept financial and technical contributions,
10 through the Global Equality Fund, from corpora-
11 tions, bilateral donors, foundations, nongovernmental
12 organizations, and other entities supporting the out-
13 comes described in paragraph (1).

14 (3) PRIORITIZATION.—In providing assistance
15 through the Global Equality Fund, the Secretary of
16 State shall ensure due consideration and appropriate
17 prioritization of assistance to groups that have his-
18 torically been excluded from programs undertaken
19 for the outcomes described in paragraph (1).

20 (c) LGBTQI GLOBAL DEVELOPMENT PARTNER-
21 SHIP.—The Administrator of the United States Agency
22 for International Development, in consultation with the
23 Secretary of State, shall establish a partnership, to be
24 known as the “LGBTQI Global Development Partner-
25 ship”, to leverage the financial and technical contributions

1 of corporations, bilateral donors, foundations, nongovern-
2 mental organizations, and universities to support the
3 human rights and development of LGBTQI persons
4 around the world by supporting programs, projects, and
5 activities—

6 (1) to strengthen the capacity of LGBTQI lead-
7 ers and civil society organizations;

8 (2) to train LGBTQI leaders to effectively par-
9 ticipate in democratic processes and lead civil insti-
10 tutions;

11 (3) to conduct research to inform national, re-
12 gional, or global policies and programs; and

13 (4) to promote economic empowerment through
14 enhanced LGBTQI entrepreneurship and business
15 development.

16 (d) CONSULTATION.—In coordinating programs,
17 projects, and activities through the Global Equality Fund
18 or the Global Development Partnership, the Secretary of
19 State shall consult, as appropriate, with the Administrator
20 of the United States Agency for International Develop-
21 ment and the heads of other relevant Federal departments
22 and agencies.

23 (e) REPORT.—The Secretary of State shall submit to
24 the appropriate congressional committees an annual re-
25 port on the work of, successes obtained, and challenges

1 faced by the Global Equality Fund and the LGBTQI Glob-
2 al Development Partnership established in accordance
3 with this section.

4 (f) LIMITATION ON ASSISTANCE RELATING TO
5 EQUAL ACCESS.—

6 (1) IN GENERAL.—None of the amounts au-
7 thorized to be appropriated or otherwise made avail-
8 able to provide United States assistance for any hu-
9 manitarian, development, or global health programs
10 may be made available to any contractor, grantee, or
11 implementing partner, unless such recipient—

12 (A) ensures that the program, project, or
13 activity funded by such amounts are made
14 available to all elements of the population, ex-
15 cept to the extent that such program, project,
16 or activity targets a population because of the
17 higher assessed risk of negative outcomes
18 among such populations;

19 (B) undertakes to make every reasonable
20 effort to ensure that each subcontractor or sub-
21 grantee of such recipient will also adhere to the
22 requirement described in subparagraph (A); and

23 (C) agrees to return all amounts awarded
24 or otherwise provided by the United States, in-
25 cluding such additional penalties as the Sec-

1 retary of State may determine to be appro-
2 priate, if the recipient is not able to adhere to
3 the requirement described in subparagraph (A).

4 (2) QUARTERLY REPORT.—The Secretary of
5 State shall provide to the appropriate congressional
6 committees a quarterly report on the methods by
7 which the Department of State monitors compliance
8 with the requirement under paragraph (1)(A).

9 (g) OFFICE OF FOREIGN ASSISTANCE.—The Sec-
10 retary of State, acting through the Director of the Office
11 of Foreign Assistance, shall—

12 (1) monitor the amount of foreign assistance
13 obligated and expended on programs, projects, and
14 activities relating to LGBTQI people; and

15 (2) provide the results of the indicators track-
16 ing such expenditure, upon request, to the Organiza-
17 tion for Economic Co-operation and Development.

18 **SEC. 8. GLOBAL HEALTH INCLUSIVITY.**

19 (a) IN GENERAL.—The Coordinator of United States
20 Government Activities to Combat HIV/AIDS Globally
21 shall—

22 (1) develop mechanisms to ensure that the
23 President’s Emergency Plan for AIDS Relief
24 (PEPFAR) is implemented in a way that equitably
25 serves LGBTQI people in accordance with the goals

1 described in section 7(f), including by requiring all
2 partner entities receiving assistance through
3 PEPFAR to receive training on the health needs of
4 and human rights standards relating to LGBTQI
5 people; and

6 (2) promptly notify Congress of any obstacles
7 encountered by a foreign government or contractor,
8 grantee, or implementing partner in the effort to eq-
9 uitably implement PEPFAR as described in such
10 subsection, including any remedial steps taken by
11 the Coordinator to overcome such obstacles.

12 (b) REPORT ON INTERNATIONAL PROSECUTIONS FOR
13 SEX WORK OR CONSENSUAL SEXUAL ACTIVITY.—Not
14 later than 180 days after the date of the enactment of
15 this Act, the Coordinator shall submit a report to the ap-
16 propriate congressional committees that describes the
17 manner in which commodities, such as condoms provided
18 by programs, projects, or activities funded through
19 PEPFAR or other sources of United States assistance,
20 have been used as evidence to arrest, detain, or prosecute
21 individuals in other countries in order to enforce domestic
22 laws criminalizing sex work or consensual sexual activity.

23 (c) REPORT ON HIV/AIDS-RELATED INDEX TEST-
24 ING.—Not later than 180 days after the date of the enact-
25 ment of this Act, the Coordinator shall submit a report

1 to the appropriate congressional committees that describes
2 the impact of partner notification services and index test-
3 ing on treatment adherence, intimate partner violence, and
4 exposure to the criminal justice system for key popu-
5 lations, including LGBTQI people and sex workers, using
6 qualitative and quantitative data.

7 (d) REPORT ON IMPACT OF “GLOBAL GAG” RULE.—
8 Not later than 180 days after the date of the enactment
9 of this Act, the Government Accountability Office shall
10 submit a report to the appropriate congressional commit-
11 tees that describes the impact, as of the date of the sub-
12 mission of the report, on the implementation and enforce-
13 ment of any iteration of the Mexico City Policy on the
14 global LGBTQI community.

15 (e) CONFORMING AMENDMENTS.—

16 (1) PEPFAR AUTHORIZATION.—Section 301 of
17 the United States Leadership Against HIV/AIDS,
18 Tuberculosis, and Malaria Act of 2003 (22 U.S.C.
19 7631) is amended—

20 (A) by striking subsections (d) through (f);

21 and

22 (B) by redesignating subsection (g) as sub-
23 section (d).

24 (2) ALLOCATION OF FUNDS BY THE GLOBAL
25 AIDS COORDINATOR.—Section 403(a) of the United

1 States Leadership Against HIV/AIDS, Tuberculosis,
2 and Malaria Act of 2003 (22 U.S.C. 7673(a)) is
3 amended—

4 (A) in paragraph (1)—

5 (i) by striking “shall—” and all that
6 follows through “(A) provide” and insert-
7 ing “shall provide”;

8 (ii) by striking “; and” and inserting
9 a period; and

10 (iii) by striking subparagraph (B);
11 and

12 (B) in paragraph (2)—

13 (i) by striking “PREVENTION STRAT-
14 EGY.—” and all that follows through “In
15 carrying out paragraph (1), the” and in-
16 serting “PREVENTION STRATEGY.—The”;
17 and

18 (ii) by striking subparagraph (B).

19 (3) TVPRA AUTHORIZATION.—Section 113 of
20 the Trafficking Victims Protection Act of 2000 (22
21 U.S.C. 7110) is amended—

22 (A) by striking subsection (g); and

23 (B) by redesignating subsections (h) and
24 (i) as subsections (g) and (h), respectively.

1 **SEC. 9. IMMIGRATION REFORM.**

2 (a) REFUGEES AND ASYLUM SEEKERS.—

3 (1) LGBTQI SOCIAL GROUP.—Section
4 101(a)(42) of the Immigration and Nationality Act
5 (8 U.S.C. 1101(a)(42)) is amended by adding at the
6 end the following: “For purposes of determinations
7 under this Act, a person who has been persecuted on
8 the basis of sexual orientation or gender identity
9 shall be deemed to have been persecuted on account
10 of membership in a particular social group and a
11 person who has a well founded fear of persecution
12 on the basis of sexual orientation or gender identity
13 shall be deemed to have a well founded fear of perse-
14 cution on account of membership in a particular so-
15 cial group.”.

16 (2) ANNUAL REPORT.—Section 103(e)(2) of the
17 Immigration and Nationality Act (8 U.S.C. 1103(e))
18 is amended—

19 (A) by striking “information on the num-
20 ber” and inserting the following: “information
21 on—

22 “(A) the number”; and

23 (B) by striking the period at the end and
24 inserting the following: “; and

25 “(B) the total number of applications for asy-
26 lum and refugee status received that are, in whole

1 or in part, based on persecution or a well founded
2 fear of persecution on account of sexual orientation
3 or gender identity, and the rate of approval adminis-
4 tratively of such applications.”.

5 (3) ASYLUM FILING DEADLINE REPEAL.—

6 (A) IN GENERAL.—Section 208(a)(2) of
7 the Immigration and Nationality Act (8 U.S.C.
8 1158(a)(2)) is amended—

9 (i) by striking subparagraph (B);

10 (ii) by redesignating subparagraphs
11 (C), (D), and (E) as subparagraphs (B),
12 (C), and (D), respectively;

13 (iii) in subparagraph (C), as redesign-
14 nated—

15 (I) by striking “notwithstanding
16 subparagraphs (B) and (C)” and in-
17 serting “notwithstanding subpara-
18 graph (B)”;

19 (II) by striking “either”; and

20 (III) by striking “or extraor-
21 dinary circumstances relating to the
22 delay in filing an application within
23 the period specified in subparagraph
24 (B)”;

1 (iv) in subparagraph (D), as redesignig-
2 nated, by striking “Subparagraphs (A) and
3 (B)” and inserting “Subparagraph (A)”.

4 (B) APPLICATION.—The amendments
5 made by subparagraph (A) shall apply to appli-
6 cations for asylum filed before, on, or after the
7 date of the enactment of this Act.

8 (b) PERMANENT PARTNERS.—Section 101(a) of the
9 Immigration and Nationality Act (8 U.S.C. 1101(a)) is
10 amended—

11 (1) in paragraph (35), by inserting “includes
12 any permanent partner, but” before “does not in-
13 clude”; and

14 (2) by adding at the end the following:

15 “(53) The term ‘marriage’ includes a permanent
16 partnership.

17 “(54) The term ‘permanent partner’ means an indi-
18 vidual who is 18 years of age or older and who—

19 “(A) is in a committed, intimate relationship
20 with another individual who is 18 years of age or
21 older, in which both parties intend a lifelong com-
22 mitment;

23 “(B) is financially interdependent with the
24 other individual;

1 “(C) is not married to anyone other than the
2 other individual;

3 “(D) is a national of or, in the case of a person
4 having no nationality, last habitually resided in a
5 country that prohibits marriage between the individ-
6 uals; and

7 “(E) is not a first-, second-, or third-degree
8 blood relation of the other individual.

9 “(55) The term ‘permanent partnership’ means the
10 relationship that exists between 2 permanent partners.”.

11 (c) COUNSEL.—

12 (1) APPOINTMENT OF COUNSEL.—Section
13 240(b)(4) of the Immigration and Nationality Act (8
14 U.S.C. 1229a(b)(4)) is amended—

15 (A) in subparagraph (B), by striking
16 “and” at the end;

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

19 (C) by adding at the end the following:

20 “(D) notwithstanding subparagraph (A), in
21 a case in which an indigent alien requests rep-
22 resentation, such representation shall be ap-
23 pointed by the court, at the expense of the Gov-
24 ernment, for such proceedings.”.

1 (2) RIGHT TO COUNSEL.—Section 292 of the
2 Immigration and Nationality Act (8 U.S.C. 1362) is
3 amended—

4 (A) by inserting “(a)” before “In any”;

5 (B) by striking “he” and inserting “the
6 person”; and

7 (C) by adding at the end the following:

8 “(b) Notwithstanding subsection (a), in a case in
9 which an indigent alien requests representation, such rep-
10 resentation shall be appointed by the court, at the expense
11 of the Government, for the proceedings described in sub-
12 section (a).

13 “(c) In an interview relating to admission under sec-
14 tion 207, an alien shall have the privilege of being rep-
15 resented (at no expense to the Government) by such coun-
16 sel, authorized to practice in such proceedings, as the alien
17 shall choose.”.

18 (d) REFUGEE ADMISSIONS OF LGBTQI ALIENS
19 FROM CERTAIN COUNTRIES.—

20 (1) IN GENERAL.—Aliens who are nationals of
21 or, in the case of aliens having no nationality, last
22 habitually resided in a country that fails to protect
23 against persecution on the basis of sexual orienta-
24 tion or gender identity, and who share common
25 characteristics that identify them as targets of per-

1 secution on account of sexual orientation or gender
2 identity, are eligible for Priority 2 processing under
3 the refugee resettlement priority system.

4 (2) RESETTLEMENT PROCESSING.—

5 (A) IN GENERAL.—If a refugee admitted
6 under section 207 of the Immigration and Na-
7 tionality Act (8 U.S.C. 1157) discloses informa-
8 tion to an employee or contractor of the Bureau
9 of Population, Refugees, and Migration of the
10 Department of State regarding the refugee’s
11 sexual orientation or gender identity, the Sec-
12 retary of State, with the refugee’s consent, shall
13 provide such information to the appropriate na-
14 tional resettlement agency—

15 (i) to prevent the refugee from being
16 placed in a community in which the ref-
17 ugee is likely to face continued discrimina-
18 tion; and

19 (ii) to place the refugee in a commu-
20 nity that offers services to meet the needs
21 of the refugee.

22 (B) DEFINED TERM.—The term “national
23 resettlement agency” means an agency con-
24 tracting with the Department of State to pro-

1 standing any other provision of law, the Sec-
2 retary of Homeland Security—

3 (i) may not detain an alien who is a
4 member of a vulnerable group under any
5 provision of the Immigration and Nation-
6 ality Act (8 U.S.C. 1101 et seq.) pending
7 a decision with respect to whether the alien
8 is to be removed from the United States;
9 and

10 (ii) shall immediately release any de-
11 tained alien who is a member of a vulner-
12 able group.

13 (B) EXCEPTIONS.—The Secretary of
14 Homeland Security may detain, pursuant to the
15 Immigration and Nationality Act (8 U.S.C.
16 1101 et seq.), an alien who is a member of a
17 vulnerable group if the Secretary makes a de-
18 termination, using credible and individualized
19 information, that the use of alternatives to de-
20 tention will not reasonably ensure the appear-
21 ance of the alien at removal proceedings, or
22 that the alien is a threat to another person or
23 to the community. The fact that an alien has a
24 criminal charge pending against the alien may

1 not be the sole factor to justify the detention of
2 the alien.

3 (C) REMOVAL.—If detention is the least
4 restrictive means of effectuating the removal
5 from the United States of an alien who is a
6 member of a vulnerable group, the subject of a
7 final order of deportation or removal, and not
8 detained under subparagraph (B), the Secretary
9 of Homeland Security may, solely for the pur-
10 pose of such removal, detain the alien for a pe-
11 riod that is—

12 (i) the shortest possible period imme-
13 diately preceding the removal of the alien
14 from the United States; and

15 (ii) not more than 5 days.

16 (2) WEEKLY REVIEW REQUIRED.—

17 (A) IN GENERAL.—Not less frequently
18 than weekly, the Secretary of Homeland Secu-
19 rity shall conduct an individualized review of
20 any alien detained pursuant to paragraph
21 (1)(B) to determine whether the alien should
22 continue to be detained under such paragraph.

23 (B) RELEASE.—Not later than 24 hours
24 after the date on which the Secretary makes a
25 determination under subparagraph (A) that an

1 alien should not be detained under paragraph
2 (1)(B), the Secretary shall release the detainee.

3 (g) PROTECTIVE CUSTODY FOR LGBTQI ALIEN DE-
4 TAINÉES.—

5 (1) DETAINEES.—An LGBTQI alien who is de-
6 tained pursuant to subparagraph (B) or (C) of sub-
7 section (f)(1) may not be placed in housing that is
8 segregated from the general population unless—

9 (A) the alien requests placement in such
10 housing for the protection of the alien; or

11 (B) the Secretary of Homeland Security
12 determines, after assessing all available alter-
13 natives, that there is no available alternative
14 means of separation from likely abusers.

15 (2) PLACEMENT FACTORS.—If an LGBTQI
16 alien is placed in segregated housing pursuant to
17 paragraph (1), the Secretary of Homeland Security
18 shall ensure that such housing—

19 (A) includes non-LGBTQI aliens, to the
20 extent practicable; and

21 (B) complies with any applicable court
22 order for the protection of LGBTQI aliens.

23 (3) PROTECTIVE CUSTODY REQUESTS.—If a de-
24 tained LGBTQI alien requests placement in seg-
25 regated housing for the protection of such alien, the

1 Secretary of Homeland Security shall grant such re-
2 quest.

3 (h) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the Secretary of Homeland Security should hire
5 a sufficient number of Refugee Corps officers for refugee
6 interviews to be held within a reasonable period of time
7 and adjudicated not later than 180 days after a request
8 for Priority 2 consideration is filed.

9 **SEC. 10. ISSUANCE OF PASSPORTS AND GUARANTEE OF**
10 **CITIZENSHIP TO CERTAIN CHILDREN BORN**
11 **ABROAD.**

12 (a) SEX IDENTIFICATION MARKERS.—The Secretary
13 of State, through any appropriate regulation, manual, pol-
14 icy, form, or other updates, shall ensure that an applicant
15 may self-select the sex designation (including a non-binary
16 or neutral designation, such as “X”) on any identity docu-
17 ment issued by the Department of State that displays sex
18 information, including passports and consular reports of
19 birth abroad.

20 (b) GUARANTEE OF CITIZENSHIP TO CHILDREN
21 BORN ABROAD USING ASSISTIVE REPRODUCTION TECH-
22 NOLOGY.—Not later than 90 days after the date of the
23 enactment of this Act, the Secretary of State shall issue
24 regulations clarifying that no biological connection be-
25 tween a parent and a child is required for a child to ac-

1 quire citizenship at birth from a United States citizen par-
2 ent under subsections (c), (d), (e), and (g) of section 301
3 of the Immigration and Nationality Act (8 U.S.C. 1401)
4 if such parent is recognized as the legal parent of the child
5 from birth under the local law at the place of birth or
6 under United States law.

7 **SEC. 11. ENGAGING INTERNATIONAL ORGANIZATIONS IN**
8 **THE FIGHT AGAINST LGBTQI DISCRIMINA-**
9 **TION.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) the United States should be a leader in ef-
13 forts by the United Nations to ensure that human
14 rights norms, development principles, and political
15 rights are fully inclusive of LGBTQI people;

16 (2) United States leadership within inter-
17 national financial institutions, such as the World
18 Bank and the regional development banks, should be
19 used to ensure that the programs, projects, and ac-
20 tivities undertaken by such institutions are fully in-
21 clusive of all people, including LGBTQI people; and

22 (3) the Secretary of State should seek appro-
23 priate opportunities to encourage the equal treat-
24 ment of LGBTQI people during discussions with or
25 participation in the full range of regional, multilat-

1 eral, and international fora, such as the Organiza-
2 tion of American States, the Organization for Secu-
3 rity and Cooperation in Europe, the European
4 Union, the African Union, and the Association of
5 South East Asian Nations.

6 (b) ACTION THROUGH THE EQUAL RIGHTS COALI-
7 TION.—The Secretary of State shall promote diplomatic
8 coordination through the Equal Rights Coalition, estab-
9 lished in July 2016 at the Global LGBTQI Human Rights
10 Conference in Montevideo, Uruguay, and other multilat-
11 eral mechanisms, to achieve the goals and outcomes de-
12 scribed in subsection (a).

13 **SEC. 12. REPRESENTING THE RIGHTS OF LGBTQI UNITED**
14 **STATES CITIZENS DEPLOYED TO DIPLOMATIC**
15 **AND CONSULAR POSTS.**

16 (a) SENSE OF CONGRESS.—Recognizing the impor-
17 tance of a diverse workforce in the representation of the
18 United States abroad and in support of sound personnel
19 staffing policies, it is the sense of Congress that the Sec-
20 retary of State should—

21 (1) prioritize efforts to ensure that foreign gov-
22 ernments do not impede the assignment of LGBTQI
23 United States citizens and their families to diplo-
24 matic and consular posts;

1 (2) open conversations with entities in the
2 United States private sector that engage in business
3 in other countries to the extent necessary to address
4 any visa issues faced by such private sector entities
5 with respect to their LGBTQI employees; and

6 (3) prioritize efforts to improve post and post
7 school information for LGBTQI employees and em-
8 ployees with LGBTQI family members.

9 (b) REMEDIES FOR FAMILY VISA DENIAL.—

10 (1) IN GENERAL.—The Secretary of State shall
11 use all appropriate diplomatic efforts to ensure that
12 the families of LGBTQI employees of the Depart-
13 ment of State are issued visas from countries where
14 such employees are posted.

15 (2) LIST REQUIRED.—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary of State shall submit to Congress—

18 (A) a classified list of each country that
19 has refused to grant accreditation to LGBTQI
20 employees of the Department of State or to
21 their family members during the most recent 2-
22 year period; and

23 (B) a description of the actions taken or
24 intended to be taken by the Secretary, in ac-
25 cordance with paragraph (1), to ensure that

1 LGBTQI employees are appointed to appro-
2 priate positions in accordance with diplomatic
3 needs and personnel qualifications, including
4 actions specifically relating to securing the ac-
5 creditation of the families of such employees by
6 relevant countries.

7 (c) IMPROVING POST INFORMATION AND OVERSEAS
8 ENVIRONMENT FOR LGBTQI ADULTS AND CHILDREN.—

9 (1) IN GENERAL.—The Secretary of State shall
10 ensure that LGBTQI employees and employees with
11 LGBTQI family members have adequate information
12 to pursue overseas postings, including country envi-
13 ronment information for adults and children.

14 (2) NONDISCRIMINATION POLICIES FOR UNITED
15 STATES GOVERNMENT-SUPPORTED SCHOOLS.—The
16 Secretary shall make every effort to ensure schools
17 abroad that receive assistance and support from the
18 United States Government under programs adminis-
19 tered by the Office of Overseas Schools of the De-
20 partment of State have active and clear non-
21 discrimination policies, including policies relating to
22 sexual orientation and gender identity impacting
23 LGBTQI children of all ages.

24 (3) REQUIRED INFORMATION FOR LGBTQI
25 CHILDREN.—The Secretary shall ensure that infor-

1 mation focused on LGBTQI children of all ages (in-
2 cluding transgender and gender nonconforming stu-
3 dents) is included in post reports, bidding materials,
4 and Office of Overseas Schools reports, databases,
5 and adequacy lists.