

119TH 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 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 2025” or the “GLOBE Act of 2025”.

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 United States LGBTQI citizens deployed to diplomatic and consular posts.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The United States has been and must al-
4 ways be the global leader in protecting human
5 rights, including the rights of lesbian, gay, bisexual,
6 transgender, queer, and intersex (LGBTQI) peoples
7 around the world.

8 (2) The norms of good governance, human
9 rights protections, and the rule of law have been vio-
10 lated unconscionably with respect to LGBTQI peo-
11 ples in an overwhelming majority of countries
12 around the world, where LGBTQI people face vio-
13 lence, hatred, bigotry, and discrimination because of
14 who they are and whom they love.

15 (3) In at least 62 countries, or roughly 32 per-
16 cent of the world, same-sex relations and relation-
17 ships are criminalized. Many countries also crim-
18 inalize or otherwise prohibit cross-dressing and gen-
19 der-affirming treatments for transgender individuals.

1 (4) The World Bank has begun to measure the
2 macro-economic costs of criminal laws targeting
3 LGBTQI individuals through lost productivity, detri-
4 mental health outcomes and violence, as a step to-
5 ward mitigating those costs.

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

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

1 (7) Targeted sanctions are an important tool to
2 push for accountability for violations of the human
3 rights of LGBTQI people.

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

11 (9) Anti-LGBTQI laws also increase global
12 health risks. Studies have shown that when
13 LGBTQI people, especially LGBTQI youth, face dis-
14 crimination, they are less likely to seek HIV testing,
15 prevention, and treatment services.

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

1 (11) At the beginning of his second term, Presi-
2 dent Donald Trump reinstated the global gag rule
3 before abruptly terminating nearly all foreign aid
4 contracts.

5 (12) Because they face tremendous discrimina-
6 tion in the formal labor sector, many sex workers
7 are also LGBTQI individuals, and many sex-worker-
8 led programs and clinics serve the LGBTQI commu-
9 nity with safe, non-stigmatizing, medical and social
10 care. The United States Agency for International
11 Development (USAID) has also referred to sex
12 workers as a “most-at-risk population”. The anti-
13 prostitution loyalty oath that health care providers
14 receiving United States assistance must take isolates
15 sex-worker-led and serving groups from programs
16 and reinforces stigma, undermining both the global
17 AIDS response and human rights. The Supreme
18 Court found this requirement unconstitutional as it
19 applies to United States nongovernmental organiza-
20 tions and their foreign affiliates in 2013.

21 (13) According to the Trans Murder Monitoring
22 Project, which monitors homicides of transgender in-
23 dividuals, there were at least 350 cases of reported
24 killings of trans and gender-diverse people between
25 October 1, 2023, and September 30, 2024.

1 (14) In many countries, intersex individuals ex-
2 perience prejudice and discrimination because their
3 bodies do not conform to general expectations about
4 sex and gender. Because of these expectations, medi-
5 cally unnecessary interventions are often performed
6 in infancy without the consent or approval of
7 intersex individuals, in violation of international
8 human rights standards, and are then often denied
9 official identification papers, blocking them from ac-
10 cessing basic services and legal protections.

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

24 (16) The global COVID–19 pandemic exacer-
25 bated inequalities that LGBTQI individuals face, in-

1 including access to health care, stigma, and discrimi-
2 nation, undermining LGBTQI rights around the
3 world.

4 (17) In December 2011, President Barack
5 Obama directed all Federal foreign affairs agencies
6 to ensure that their diplomatic, humanitarian, health
7 and foreign assistance programs take into account
8 the needs of marginalized LGBTQI communities
9 and persons.

10 (18) In 2015, the Department of State estab-
11 lished the position of Special Envoy for the Human
12 Rights of LGBTQI Persons.

13 (19) In 2021, President Joseph Biden issued
14 the Memorandum on Advancing the Human Rights
15 of Lesbian, Gay, Bisexual, Transgender, Queer, and
16 Intersex Persons Around the World, which stated
17 that it is the policy of the United States to pursue
18 an end to violence and discrimination on the basis
19 of sexual orientation, gender identity or expression,
20 or sex characteristics and called for United States
21 global leadership on LGBTQI rights.

22 (20) In *Bostock v. Clayton County*, the Su-
23 preme Court held that title VII of the Civil Rights
24 Act of 1964 prohibits discrimination on the basis of
25 gender identity and sexual orientation. On January

1 20, 2021, President Biden issued Executive Order
2 13988 to enforce Bostock, which orders all agency
3 heads to determine the additional steps they should
4 take to ensure that administration policies are fully
5 implemented consistent with Bostock, including the
6 Secretary of State and the Administrator of USAID.

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

14 (22) Inclusion of human rights protections for
15 LGBTQI individuals in United States trade agree-
16 ments, as in the United States-Mexico-Canada
17 Agreement, and trade preference programs is in-
18 tended both to ensure a level playing field for United
19 States business and to provide greater workplace
20 protections overseas, compatible with those of the
21 United States.

22 (23) Engaging multilateral fora and inter-
23 national institutions is critical to impacting global
24 norms and to broadening global commitments to
25 fairer standards for the treatment of all people, in-

1 including LGBTQI people. The United States must
2 remain a leader in the United Nations system and
3 has a vested interest in the success of that multilat-
4 eral engagement.

5 (24) United States participation in the Equal
6 Rights Coalition, which is a new intergovernmental
7 coalition of more than 40 governments and leading
8 civil society organizations that work together to pro-
9 tect the human rights of LGBTQI people around the
10 world, is vital to international efforts to respond to
11 violence and impunity.

12 (25) Those who represent the United States
13 abroad, including our diplomats, development spe-
14 cialists and military, should reflect the diversity of
15 our country and honor the United States call to
16 equality, including through proud and open service
17 abroad by LGBTQI United States citizens and those
18 living with HIV.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means—

24 (A) the Committee on Appropriations of
25 the Senate;

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

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

5 (D) the Committee on Appropriations of
6 the House of Representatives;

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

9 (F) the Committee on the Judiciary of the
10 House of Representatives.

11 (2) GENDER IDENTITY.—The term “gender
12 identity” means the gender-related identity, appear-
13 ance, mannerisms, or other gender-related character-
14 istics of an individual, regardless of the individual’s
15 designated sex at birth.

16 (3) LGBTQI.—The term “LGBTQI” means les-
17 bian, gay, bisexual, transgender, queer, or intersex.

18 (4) MEMBER OF A VULNERABLE GROUP.—The
19 term “member of a vulnerable group” means an
20 alien who—

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

23 (B) is pregnant;

24 (C) identifies as lesbian, gay, bisexual,
25 transgender, or intersex;

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

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

4 (F) has a serious mental or physical illness
5 or disability;

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

11 (H) has been determined by an immigra-
12 tion judge or the Secretary of Homeland Secu-
13 rity to be experiencing severe trauma or to be
14 a survivor of torture or gender-based violence,
15 based on information obtained during intake,
16 from the alien's attorney or legal service pro-
17 vider, or through credible self-reporting.

18 (5) SEXUAL ORIENTATION.—The term “sexual
19 orientation” means actual or perceived homosex-
20 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” and inserting a semicolon;

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 by state and non-state actors based on sexual ori-
19 entation or gender identity, as those terms are de-
20 fined in section 3 of the GLOBE Act of 2025, or sex
21 characteristics, including an identification of those
22 countries that have adopted laws or constitutional
23 provisions that criminalize or discriminate based on
24 sexual orientation, gender identity, or sex character-
25 istics, including descriptions of such laws and provi-
26 sions.”.

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

4 (A) by redesignating the second subsection
5 (i) (relating to child marriage status) as sub-
6 section (j); and

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

8 “(k) SEXUAL ORIENTATION, GENDER IDENTITY,
9 AND SEX CHARACTERISTICS.—The report required under
10 subsection (b) shall include, wherever applicable, the na-
11 ture and extent of criminalization, discrimination, and vio-
12 lence by state and non-state actors based on sexual ori-
13 entation or gender identity, as those terms are defined in
14 section 3 of the GLOBE Act of 2025, or sex characteris-
15 tics, including an identification of those countries that
16 have adopted laws or constitutional provisions that crim-
17 inalize or discriminate based on sexual orientation, gender
18 identity, or sex characteristics, including descriptions of
19 such laws and provisions.”.

20 (b) REVIEW AT DIPLOMATIC AND CONSULAR
21 POSTS.—

22 (1) IN GENERAL.—In preparing the annual
23 country reports on human rights practices required
24 under sections 116 and 502B of the Foreign Assist-
25 ance Act of 1961, as amended by subsection (a), the

1 Secretary of State shall obtain information from
2 each diplomatic and consular post with respect to—

3 (A) incidents of violence against LGBTQI
4 people in the country in which such post is lo-
5 cated;

6 (B) an analysis of the factors enabling or
7 aggravating such incidents, such as government
8 policy, societal pressure, or external actors; and

9 (C) the response, whether public or pri-
10 vate, of the personnel of such post with respect
11 to such incidents.

12 (2) ADDRESSING BIAS-MOTIVATED VIOLENCE.—

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

22 (c) INTERAGENCY GROUP.—

23 (1) ESTABLISHMENT.—There is established an
24 interagency group on responses to urgent threats to
25 LGBTQI people in foreign countries (referred to in

1 this subsection as the “Interagency Group”), which
2 shall be chaired by the Secretary of State and shall
3 include the Secretary of Defense, the Secretary of
4 the Treasury, the Administrator of the United
5 States Agency for International Development, the
6 Attorney General, and the head of each other Fed-
7 eral department or agency the President determines
8 is relevant to the duties of the Interagency Group.

9 (2) DUTIES.—The duties of the Interagency
10 Group shall be—

11 (A) coordinating the responses of each par-
12 ticipating agency with respect to threats di-
13 rected towards LGBTQI populations in other
14 countries;

15 (B) developing longer-term approaches to
16 policy developments and incidents negatively
17 impacting the LGBTQI populations in specific
18 countries;

19 (C) advising the President on the designa-
20 tion of foreign persons for sanctions pursuant
21 to section 5;

22 (D) identifying United States laws and
23 policies, at the Federal, State, and local levels,
24 that affirm the equality of LGBTQI persons;
25 and

1 (E) using such laws and policies to develop
2 diplomatic strategies to share the expertise ob-
3 tained from the implementation of such laws
4 and policies with appropriate officials of coun-
5 tries in which LGBTQI persons do not enjoy
6 equal protection under the law.

7 (d) SPECIAL ENVOY FOR THE HUMAN RIGHTS OF
8 LGBTQI PEOPLES.—

9 (1) ESTABLISHMENT.—The Secretary of State
10 shall establish in the Bureau of Democracy, Human
11 Rights, and Labor, the permanent position of Spe-
12 cial Envoy for the Human Rights of LGBTQI Peo-
13 ples (referred to in this section as the “Special
14 Envoy”), who—

15 (A) shall be appointed by the President;
16 and

17 (B) shall report directly to the Assistant
18 Secretary for Democracy, Human Rights, and
19 Lab.

20 (2) RANK.—The President may appoint the
21 Special Envoy at the rank of Ambassador, by and
22 with the advice and consent of the Senate.

23 (3) PURPOSE.—The Special Envoy shall direct
24 efforts of the United States Government relating to
25 United States foreign policy, as directed by the Sec-

1 retary, regarding human rights abuses against
2 LGBTQI people and communities internationally
3 and the advancement of human rights for LGBTQI
4 people, and shall represent the United States inter-
5 nationally in bilateral and multilateral engagement
6 on such matters.

7 (4) DUTIES.—The Special Envoy shall—

8 (A) serve as the principal advisor to the
9 Secretary of State regarding human rights for
10 LGBTQI people internationally;

11 (B) notwithstanding any other provision of
12 law, direct activities, policies, programs, and
13 funding relating to the human rights of
14 LGBTQI people and the advancement of
15 LGBTQI equality initiatives internationally, for
16 all bureaus and offices of the Department of
17 State and shall lead the coordination of relevant
18 international programs for all other Federal
19 agencies relating to such matters;

20 (C) represent the United States in diplo-
21 matic matters relevant to the human rights of
22 LGBTQI people, including criminalization, dis-
23 crimination, and violence against LGBTQI peo-
24 ple internationally;

1 (D) direct, as appropriate, United States
2 Government resources to respond to needs for
3 protection, integration, resettlement, and em-
4 powerment of LGBTQI people in United States
5 Government policies and international pro-
6 grams, including to prevent and respond to
7 criminalization, discrimination, and violence
8 against LGBTQI people internationally;

9 (E) design, support, and implement activi-
10 ties regarding support, education, resettlement,
11 and empowerment of LGBTQI people inter-
12 nationally, including for the prevention and re-
13 sponse to criminalization, discrimination, and
14 violence against LGBTQI people internation-
15 ally;

16 (F) lead interagency coordination between
17 the foreign policy priorities related to the
18 human rights of LGBTQI people and the devel-
19 opment assistance priorities of the LGBTQI
20 Coordinator of the United States Agency for
21 International Development;

22 (G) conduct regular consultation with non-
23 governmental organizations working to prevent
24 and respond to criminalization, discrimination,

1 and violence against LGBTQI people inter-
2 nationally; and

3 (H) represent the United States in bilat-
4 eral and multilateral fora on matters relevant to
5 the human rights of LGBTQI people inter-
6 nationally, including criminalization, discrimina-
7 tion, and violence against LGBTQI people
8 internationally.

9 (e) TRAINING AT INTERNATIONAL LAW ENFORCE-
10 MENT ACADEMIES.—The President shall ensure that any
11 international law enforcement academy supported by
12 United States assistance shall provide training with re-
13 spect to the rights of LGBTQI people, including through
14 specialized courses highlighting best practices in the docu-
15 mentation, investigation, and prosecution of bias-moti-
16 vated hate crimes targeting persons based on actual or
17 perceived sexual orientation, gender identity, or sex char-
18 acteristics.

19 (f) SENIOR LGBTQI COORDINATOR.—The Adminis-
20 trator of the United States Agency for International De-
21 velopment shall establish the permanent position of Senior
22 LGBTQI Coordinator who shall be appointed by the Ad-
23 ministrator and shall coordinate across the United States
24 Agency for International Development with respect to
25 LGBTQI inclusive development programming.

1 **SEC. 5. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR**
2 **VIOLATIONS OF HUMAN RIGHTS AGAINST**
3 **LGBTQI PEOPLE.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act and biannually thereafter,
6 the President shall submit to the appropriate congress-
7 sional committees a list of each foreign person the Presi-
8 dent determines, based on credible information, including
9 information obtained by other countries or by nongovern-
10 mental organizations that monitor violations of human
11 rights—

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

15 (A) torture or cruel, inhuman, or degrad-
16 ing treatment or punishment;

17 (B) prolonged detention without charges
18 and trial;

19 (C) causing the disappearance of such per-
20 sons by the abduction and clandestine detention
21 of such persons; or

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

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

1 (b) FORM; UPDATES; REMOVAL.—

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

12 (A) determines—

13 (i) it is vital for the national security
14 interests of the United States to include
15 such foreign person; and

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

23 (B) not later than 15 days before including
24 such person in a classified annex, provides to
25 the relevant congressional committees notice of,

1 and a justification for, including or continuing
2 to include each foreign person in such annex
3 despite the existence of any publicly available
4 credible information indicating that each such
5 foreign person engaged in an activity described
6 in subsection (a).

7 (2) UPDATES.—The President shall submit to
8 the relevant congressional committees an update of
9 the list required under subsection (a) as new infor-
10 mation becomes available.

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

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

20 (B) such person has been prosecuted ap-
21 propriately for the activity in which such person
22 engaged;

23 (C) such person has credibly demonstrated
24 a significant change in behavior, has paid an
25 appropriate consequence for the activities in

1 which such person engaged, and has credibly
2 committed to not engage in an activity de-
3 scribed in subsection (a); or

4 (D) removal of such sanctions is in the
5 vital national security interests of the United
6 States.

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

14 (d) REQUESTS FROM CHAIR AND RANKING MEMBER
15 OF RELEVANT CONGRESSIONAL COMMITTEES.—

16 (1) CONSIDERATION OF INFORMATION.—In ad-
17 dition to the guidance issued pursuant to subsection
18 (c), the President shall also consider information
19 provided by the Chair or Ranking Member of each
20 of the relevant congressional committees in deter-
21 mining whether to include a foreign person in the
22 list required under subsection (a).

23 (2) REQUESTS.—Not later than 120 days after
24 receiving a written request from the Chair or Rank-
25 ing Member of 1 of the relevant congressional com-

1 mittees with respect to whether a foreign person
2 meets the criteria for being included in the list re-
3 quired under subsection (a), the President shall
4 transmit a response to such Chair or Ranking Mem-
5 ber, as the case may be, with respect to the Presi-
6 dent's determination relating to such foreign person.

7 (3) REMOVAL.—If the President removes from
8 the list required under subsection (a) a foreign per-
9 son that had been included in such list pursuant to
10 a request under paragraph (2), the President shall
11 provide to the relevant Chair or Ranking Member of
12 1 of the relevant congressional committees any infor-
13 mation that contributed to such decision.

14 (4) FORM.—The President may transmit a re-
15 sponse required under paragraph (2) or paragraph
16 (3) in classified form if the President determines
17 such form is necessary for the national security in-
18 terests of the United States.

19 (e) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

20 (1) INELIGIBILITY FOR VISAS AND ADMISSION
21 TO THE UNITED STATES.—A foreign person on the
22 list required under subsection (a), and each imme-
23 diate family member of such person, is—

24 (A) inadmissible to the United States;

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

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

7 (2) CURRENT VISAS REVOKED.—

8 (A) IN GENERAL.—The issuing consular
9 officer, the Secretary of State, or a designee of
10 the Secretary of State, in accordance with sec-
11 tion 221(i) of the Immigration and Nationality
12 Act (8 U.S.C. 1201(i)), shall revoke any visa or
13 other entry documentation issued to a foreign
14 person on the list required under subsection (a),
15 and any visa or other entry documentation
16 issued to any immediate family member of such
17 person, regardless of when the visa or other
18 entry documentation was issued.

19 (B) EFFECT OF REVOCATION.—A revoca-
20 tion under subparagraph (A) shall—

21 (i) have immediate effect; and

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

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

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

15 (4) EXCEPTIONS.—

16 (A) EXCEPTION WITH RESPECT TO NA-
17 TIONAL SECURITY.—This section shall not
18 apply with respect to—

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

23 (ii) any authorized intelligence or law
24 enforcement activities of the United States.

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

13 (C) EXCEPTION FOR CERTAIN IMMEDIATE
14 FAMILY MEMBERS.—

15 (i) IN GENERAL.—A covered indi-
16 vidual shall not be subject to sanctions
17 under this section if the President certifies
18 to the relevant congressional committees,
19 in accordance with clause (ii), that such in-
20 dividual has a reasonable fear of persecu-
21 tion based on—

22 (I) actual or perceived sexual ori-
23 entation, gender identity, or sex char-
24 acteristics;

1 (II) race, religion, or nationality;

2 or

3 (III) political opinion or member-
4 ship in a particular social group.

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

12 (iii) COVERED INDIVIDUAL.—For pur-
13 poses of this subparagraph, the term “cov-
14 ered individual” means an individual who
15 is an immediate family member of foreign
16 person on the list required under sub-
17 section (a).

18 (5) WAIVERS IN THE INTEREST OF NATIONAL
19 SECURITY.—

20 (A) IN GENERAL.—The President may
21 waive the application of paragraph (1) or (2)
22 with respect to a foreign person included in the
23 list required under subsection (a) if the Presi-
24 dent determines and transmits to the relevant

1 congressional committees notice and justifica-
2 tion, that such a waiver—

3 (i) is necessary to permit the United
4 States to comply with the Agreement be-
5 tween the United Nations and the United
6 States regarding the Headquarters of the
7 United Nations, signed June 26, 1947,
8 and entered into force November 21, 1947,
9 or other applicable international obliga-
10 tions of the United States; or

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

13 (B) TIMING OF CERTAIN WAIVERS.—A
14 waiver pursuant to a determination under
15 clause (ii) of subparagraph (A) shall be trans-
16 mitted not later than 15 days before the grant-
17 ing of such waiver.

18 (f) REPORT TO CONGRESS.—Not later than 1 year
19 after the date of enactment of this Act and annually there-
20 after, the President, acting through the Secretary of State,
21 shall submit to the relevant congressional committees a
22 report that describes—

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

1 (A) the number of foreign persons added
2 to or removed from the list required under sub-
3 section (a) during the year preceding each such
4 report, the dates on which such persons were so
5 added or removed, and the reasons for so add-
6 ing or removing such persons; and

7 (B) 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 changes;

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 (3) the impact of the sanctions imposed under
16 this section with respect to altering the behavior of
17 each of the foreign persons included, as of the date
18 of submission of the report, in the list required
19 under subsection (a); and

20 (4) steps the Department of State can take to
21 improve coordination with foreign governments, civil
22 society groups, and the private sector, to prevent the
23 commission of the human rights violations described
24 in section 4(a)(1) against persons based on actual or

1 perceived sexual orientation, gender identity, or sex
2 characteristics.

3 (g) DEFINITIONS.—In this section:

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

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

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

19 (4) RELEVANT CONGRESSIONAL COMMIT-
20 TEES.—The term “relevant congressional commit-
21 tees” means—

22 (A) the Committee on Armed Services of
23 the Senate;

24 (B) the Committee on Foreign Relations of
25 the Senate;

1 (C) the Committee on Homeland Security
2 of the Senate;

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

5 (E) the Committee on Armed Services of
6 the House of Representatives;

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

9 (G) the Committee on Homeland Security
10 of the House of Representatives; and

11 (H) the Committee on the Judiciary of the
12 House of Representatives.

13 **SEC. 6. COMBATING INTERNATIONAL CRIMINALIZATION OF**
14 **LGBTQI STATUS, EXPRESSION, OR CONDUCT.**

15 (a) ANNUAL STRATEGIC REVIEW.—The Secretary of
16 State, in consultation with the Administrator of the
17 United States Agency for International Development, dur-
18 ing the course of annual strategic planning, shall in-
19 clude—

20 (1) an examination of the progress made in
21 countries around the world toward the decriminaliza-
22 tion of the status, expression, and conduct of
23 LGBTQI individuals;

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

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

4 (b) ELEMENTS.—The examination described in sub-
5 section (a) shall include the following:

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

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

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

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

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

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

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 to promote the recognition of
8 LGBTQI rights through educational exchanges
9 in the United States and support better under-
10 standing of the role that governments and civil
11 societies mutually play in assurance of equal
12 treatment of LGBTQI populations abroad.

13 **SEC. 7. FOREIGN ASSISTANCE TO PROTECT HUMAN RIGHTS**
14 **OF LGBTQI PEOPLE.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that the full implementation of Executive Order
17 13988 (86 Fed. Reg. 7023) and the Supreme Court hold-
18 ing in *Bostock v. Clayton County* (140 S. Ct. 1731
19 (2020)) requires that United States foreign assistance and
20 development organizations adopt the policy that no con-
21 tractor, grantee, or implementing partner administering
22 United States assistance for any humanitarian, develop-
23 ment, or global health programs may discriminate against
24 any employee or applicant for employment because of gen-
25 der identity or sexual orientation.

1 (b) GLOBAL EQUALITY FUND.—

2 (1) IN GENERAL.—The Secretary of State shall
3 establish a fund, to be known as the “Global Equal-
4 ity Fund” (referred to in the section as the
5 “Fund”), which shall be managed by the Assistant
6 Secretary of State for the Bureau of Democracy,
7 Human Rights and Labor, consisting of such sums
8 as may be appropriated to provide grants, emer-
9 gency assistance, and technical assistance to eligible
10 civil society organizations and human rights defend-
11 ers working to advance and protect human rights for
12 all including LGBTQI persons, by seeking—

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

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

19 (C) to advocate against laws that crim-
20 inalize LGBTQI status, expression, or conduct
21 or discriminate against individuals on the basis
22 of sexual orientation, gender identity, or sex
23 characteristics;

24 (D) to end explicit and implicit forms of
25 discrimination in the workplace, housing, edu-

1 cation, and other public institutions or services;
2 and

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

6 (2) CONTRIBUTIONS.—The Secretary may ac-
7 cept financial and technical contributions from cor-
8 porations, bilateral donors, foundations, nongovern-
9 mental organizations, and other entities supporting
10 the outcomes described in paragraph (1), through
11 the Fund.

12 (3) PRIORITIZATION.—In providing assistance
13 through the Fund, the Secretary shall ensure due
14 consideration and appropriate prioritization of as-
15 sistance to groups that have historically been ex-
16 cluded from programs undertaken for the outcomes
17 described in paragraph (1).

18 (c) LGBTQI GLOBAL DEVELOPMENT PARTNER-
19 SHIP.—The Administrator of the United States Agency
20 for International Development, in consultation with the
21 Secretary of State, shall establish a partnership, which
22 shall be known as the “LGBTQI Global Development
23 Partnership” (referred to in this section as the “Partner-
24 ship”), to leverage the financial and technical contribu-
25 tions of corporations, bilateral donors, foundations, non-

1 governmental organizations, and universities to support
2 the human rights and development of LGBTQI persons
3 around the world by supporting programs, projects, and
4 activities that—

5 (1) strengthen the capacity of LGBTQI leaders
6 and civil society organizations;

7 (2) train LGBTQI leaders to effectively partici-
8 pate in democratic processes and lead civil institu-
9 tions;

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

12 (4) promote inclusive development, including
13 economic empowerment through enhanced LGBTQI
14 entrepreneurship and business development.

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

21 (e) REPORT.—The Secretary of State shall submit to
22 the appropriate congressional committees an annual re-
23 port that describes the work of, successes obtained, and
24 challenges faced by the Fund and the Partnership estab-
25 lished in accordance with this section.

1 (f) LIMITATION ON ASSISTANCE RELATING TO
2 EQUAL ACCESS.—

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

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

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

20 (C) agrees to return all amounts awarded
21 or otherwise provided by the United States, in-
22 cluding such additional penalties as the Sec-
23 retary of State may determine to be appro-
24 priate, if the recipient is not able to adhere to
25 the requirement described in subparagraph (A).

1 (2) QUARTERLY REPORT.—The Secretary of
2 State shall submit to the appropriate congressional
3 committees a quarterly report describing the meth-
4 ods by which the Department monitors compliance
5 with the requirement under paragraph (1)(A).

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

9 (1) monitor the amount of foreign assistance
10 obligated and expended on programs, projects, and
11 activities relating to LGBTQI people; and

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

15 **SEC. 8. GLOBAL HEALTH INCLUSIVITY.**

16 (a) IN GENERAL.—The Coordinator of United States
17 Government Activities to Combat HIV/AIDS Globally (re-
18 ferred to in this section as the “Coordinator”) shall—

19 (1) develop mechanisms to ensure that the
20 President’s Emergency Plan for AIDS Relief
21 (PEPFAR) is implemented in a way that equitably
22 serves LGBTQI people in accordance with the goals
23 described in section 7(f), including by requiring all
24 partner entities receiving assistance through
25 PEPFAR to receive training on the health needs of

1 and human rights standards relating to LGBTQI
2 people; and

3 (2) promptly notify Congress of any obstacles
4 encountered by a foreign government or contractor,
5 grantee, or implementing partner in the effort to eq-
6 uitably implement PEPFAR as described in section
7 7(f), including any remedial steps taken by the Co-
8 ordinator to overcome such obstacles.

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

20 (c) REPORT ON INDEX TESTING RELATED TO HIV/
21 AIDS.—Not later than 180 days after the date of the en-
22 actment of this Act, the Coordinator shall submit a report
23 to the appropriate congressional committees describing the
24 impact of partner notification services and index testing
25 on treatment adherence, intimate partner violence, and ex-

1 posure to the criminal justice system for key populations,
2 including LGBTQI people and sex workers, using quali-
3 tative and quantitative data.

4 (d) REPORT ON IMPACT OF “GLOBAL GAG” RULE.—
5 Not later than 180 days after the date of the enactment
6 of this Act, the Comptroller General of the United States
7 shall submit a report to the appropriate congressional
8 committees describing the impact, as of the date of the
9 submission of the report, on the implementation and en-
10 forcement of any iteration of the Mexico City Policy on
11 the global LGBTQI community.

12 (e) REMOVING LIMITATIONS ON ELIGIBILITY FOR
13 FOREIGN ASSISTANCE.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law, regulation, or policy, in determining
16 eligibility for assistance authorized under part I of
17 the Foreign Assistance Act of 1961 (22 U.S.C. 2151
18 et seq.), foreign nongovernmental organizations—

19 (A) shall not be ineligible for such assist-
20 ance solely on the basis of health or medical
21 services, including counseling and referral serv-
22 ices, provided by such organizations with non-
23 United States Government funds if such serv-
24 ices do not violate the laws of the country in
25 which they are being provided; and

1 (B) shall not be subject to requirements
2 relating to the use of non-United States Gov-
3 ernment funds for advocacy and lobbying activi-
4 ties other than those that apply to United
5 States nongovernmental organizations receiving
6 assistance under part I of such Act.

7 (2) CONFORMING AMENDMENTS TO PEPFAR AU-
8 THORIZATION.—Section 301 of the United States
9 Leadership Against HIV/AIDS, Tuberculosis, and
10 Malaria Act of 2003 (22 U.S.C. 7631) is amended—

11 (A) by striking subsections (d) through (f);
12 and

13 (B) by redesignating subsection (g) as sub-
14 section (d).

15 (3) CONFORMING AMENDMENTS TO THE ALLO-
16 CATION OF FUNDS BY THE GLOBAL AIDS COORDI-
17 NATOR.—Section 403(a) of the United States Lead-
18 ership Against HIV/AIDS, Tuberculosis, and Ma-
19 laria Act of 2003 (22 U.S.C. 7673(a)) is amended—

20 (A) in paragraph (1)—

21 (i) by striking “shall—” and all that
22 follows through “(A) provide” and insert-
23 ing “shall provide”;

24 (ii) by striking “; and” and inserting
25 a period; and

1 (iii) by striking subparagraph (B);

2 and

3 (B) in paragraph (2)—

4 (i) by striking “PREVENTION STRAT-
5 EGY” and all that follows through “In car-
6 rying out paragraph (1)” and inserting
7 “PREVENTION STRATEGY”; and

8 (ii) by striking subparagraph (B).

9 (4) CONFORMING AMENDMENTS TO TVPRA AU-
10 THORIZATION.—Section 113 of the Trafficking Vic-
11 tims Protection Act of 2000 (22 U.S.C. 7110) is
12 amended—

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

14 (B) by redesignating subsections (h) and

15 (i) as subsections (g) and (h), respectively.

16 **SEC. 9. IMMIGRATION REFORM.**

17 (a) REFUGEES AND ASYLUM SEEKERS.—

18 (1) LGBTQI SOCIAL GROUP.—Section
19 101(a)(42) of the Immigration and Nationality Act
20 (8 U.S.C. 1101(a)(42)) is amended by adding at the
21 end the following: “For purposes of determinations
22 under this Act, a person who has been persecuted on
23 the basis of sexual orientation or gender identity,
24 shall be deemed to have been persecuted on account
25 of membership in a particular social group, and a

1 person who has a well founded fear of persecution
2 on the basis of sexual orientation or gender identity
3 shall be deemed to have a well-founded fear of perse-
4 cution on account of membership in a particular so-
5 cial group.”.

6 (2) REPORT.—Section 103(e) of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1103(e)) is
8 amended—

9 (A) in paragraph (2), by striking “district
10 office of the Service” and inserting “U.S. Citi-
11 zenship and Immigration Services field office”;
12 and

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

14 “(3) Each annual report shall include informa-
15 tion on the total number of applications for asylum
16 and refugee status received that are, in whole or in
17 part, based on persecution or a well founded fear of
18 persecution on account of sexual orientation or gen-
19 der identity, and the rate of approval administra-
20 tively of such applications.”.

21 (3) ASYLUM FILING DEADLINE REPEAL.—

22 (A) IN GENERAL.—Section 208(a)(2) of
23 the Immigration and Nationality Act (8 U.S.C.
24 1158(a)(2)) is amended—

25 (i) by striking subparagraph (B);

1 (ii) by redesignating subparagraphs
2 (C), (D), and (E) as subparagraphs (B),
3 (C), and (D), respectively;

4 (iii) in subparagraph (B), as redesign-
5 nated, by striking “(D)” and inserting
6 “(C)”.

7 (iv) in subparagraph (C), as redesign-
8 nated—

9 (I) by striking “notwithstanding
10 subparagraphs (B) and (C)” and in-
11 serting “notwithstanding subpara-
12 graph (B)”;

13 (II) by striking “either” after
14 “Attorney General”; and

15 (III) by striking “or extraor-
16 dinary circumstances relating to the
17 delay in filing an application within
18 the period specified in subparagraph
19 (B)”;

20 (v) in subparagraph (D), as redesign-
21 nated, by striking “Subparagraphs (A) and
22 (B)” and inserting “Subparagraph (A)”.

23 (B) APPLICATION.—The amendments
24 made by subparagraph (A) shall apply to appli-

1 cations for asylum filed before, on, or after the
2 date of the enactment of this Act.

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

6 (1) in paragraph (35)—

7 (A) by striking “term” and inserting
8 “terms”; and

9 (B) by striking “or ‘husband’ do not” and
10 inserting “and ‘husband’ include any permanent
11 partner, but do not”; and

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

13 “(53) The term ‘marriage’ includes a perma-
14 nent partnership.

15 “(54) The term ‘permanent partner’ means an
16 individual who is 18 years of age or older and—

17 “(A) is in a committed, intimate relation-
18 ship with another individual who is 18 years of
19 age or older, in which both parties intend a life-
20 long commitment;

21 “(B) is financially interdependent with the
22 other individual;

23 “(C) is not married to anyone other than
24 the other individual;

1 “(D) is a national of or, in the case of a
2 person having no nationality, last habitually re-
3 sided in a country that prohibits marriage be-
4 tween the individuals; and

5 “(E) is not a first-, second-, or third-de-
6 gree blood relation of the other individual.

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

10 (c) COUNSEL.—

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

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

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

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

19 “(D) notwithstanding subparagraph (A), in
20 a case in which an indigent alien requests rep-
21 resentation, such representation shall be ap-
22 pointed by the court, at the expense of the Gov-
23 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), if an indigent
9 alien requests representation, such representation shall be
10 appointed by the court, at the expense of the Government,
11 for the proceedings described in subsection (a).

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

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

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

1 gender identity, such aliens are eligible for Priority
2 2 processing under the refugee resettlement priority
3 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 discloses to an employee or con-
8 tractor of the Bureau of Population, Refugees,
9 and Migration information with respect to the
10 refugee’s sexual orientation or gender identity,
11 the Secretary of State, with the refugee’s con-
12 sent, shall provide such information to the ap-
13 propriate national resettlement agency—

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

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

21 (B) DEFINED TERM.—The term “national
22 resettlement agency” means an agency con-
23 tracting with the Department of State to pro-
24 vide sponsorship and initial resettlement serv-
25 ices to refugees entering the United States.

1 (e) TRAINING PROGRAM.—

2 (1) TRAINING PROGRAM.—In order to create an
3 environment in which an alien may safely disclose
4 such alien’s sexual orientation or gender identity,
5 the Secretary of Homeland Security, in consultation
6 with the Secretary of State, shall establish a training
7 program for staff and translators who participate in
8 the interview process of aliens seeking asylum or sta-
9 tus as a refugee.

10 (2) COMPONENTS OF TRAINING PROGRAM.—

11 The training program described in paragraph (1)
12 shall include instruction regarding—

13 (A) appropriate word choice and word
14 usage;

15 (B) creating safe spaces and facilities for
16 LGBTQI aliens;

17 (C) confidentiality requirements; and

18 (D) nondiscrimination policies.

19 (f) LIMITATION ON DETENTION.—

20 (1) PRESUMPTION OF RELEASE.—

21 (A) IN GENERAL.—Notwithstanding any
22 other provision of law, except as provided in
23 subparagraphs (B) and (C), the Secretary of
24 Homeland Security—

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

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

11 (B) EXCEPTIONS.—The Secretary of
12 Homeland Security may detain, pursuant to the
13 Immigration and Nationality Act (8 U.S.C.
14 1101 et seq.), an alien who is a member of a
15 vulnerable group if the Secretary determines,
16 using credible and individualized information,
17 that the use of alternatives to detention will not
18 reasonably assure the appearance of the alien at
19 removal proceedings, or that the alien is a
20 threat to another person or the community. The
21 fact that an alien has a criminal charge pending
22 against the alien may not be the sole factor to
23 justify the detention of the alien.

24 (C) REMOVAL.—In a case in which deten-
25 tion is the least restrictive means of effec-

1 tuating the removal from the United States of
2 an alien who is a member of a vulnerable group,
3 the subject of a final order of deportation or re-
4 moval, and not detained under subparagraph
5 (B), the Secretary of Homeland Security may,
6 solely for the purpose of such removal, detain
7 the alien for a period that is—

8 (i) the shortest possible period imme-
9 diately preceding the removal of the alien
10 from the United States; and

11 (ii) not more than 5 days.

12 (2) WEEKLY REVIEW REQUIRED.—

13 (A) IN GENERAL.—Not less frequently
14 than weekly, the Secretary of Homeland Secu-
15 rity shall conduct an individualized review of
16 each alien detained pursuant to paragraph
17 (1)(B) to determine if the alien should continue
18 to be detained under such paragraph.

19 (B) RELEASE.—If the Secretary deter-
20 mines pursuant to subparagraph (A) that an
21 alien should not be detained under paragraph
22 (1)(B), the Secretary shall release the detainee
23 not later than 24 hours after the date on which
24 the Secretary makes such determination.

1 (g) PROTECTIVE CUSTODY FOR LGBTQI ALIEN DE-
2 TAINÉES.—

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

7 (A) the alien requests placement in such
8 housing for the protection of the alien; or

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

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

17 (A) includes non-LGBTQI aliens, to the
18 extent practicable; and

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

21 (3) PROTECTIVE CUSTODY REQUESTS.—If an
22 LGBTQI alien who is detained requests placement
23 in segregated housing for the protection of such
24 alien, the Secretary of Homeland Security shall
25 grant such request.

1 (h) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Secretary of Homeland Security should hire
3 a sufficient number of Refugee Corps officers to conduct
4 refugee interviews within a reasonable period and to com-
5 plete the adjudication of refugee petitions not later than
6 180 days after an alien files a request for Priority 2 con-
7 sideration.

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

11 (a) SEX IDENTIFICATION MARKERS.—For the pur-
12 poses of any identity document issued by the Department
13 that displays sex information, including passports and
14 consular reports of birth abroad, the Secretary shall en-
15 sure (through appropriate regulation, manual, policy,
16 form, or other updates) that an applicant for such a docu-
17 ment may self-select the sex designation, including a non-
18 binary or neutral designation, such as “X”.

19 (b) GUARANTEE OF CITIZENSHIP TO CHILDREN
20 BORN ABROAD USING ASSISTIVE REPRODUCTION TECH-
21 NOLOGY.—Not later than 90 days after the date of the
22 enactment of this Act, the Secretary of State shall issue
23 regulations, in accordance with the press statement re-
24 leased on May 18, 2021, with respect to “U.S. Citizenship
25 Transmission and Assisted Reproductive Technology”,

1 clarifying that no biological connection between a parent
2 and a child is required for a child to acquire citizenship
3 at birth from a United States citizen parent under sub-
4 sections (c), (d), (e), and (g) of section 301 of the Immi-
5 gration and Nationality Act (8 U.S.C. 1401), if the local
6 law at the place of birth or United States law recognize
7 such a person to be the legal parent of such child from
8 birth.

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

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

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

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

24 (3) the Secretary of State should seek appro-
25 priate opportunities to encourage the equal treat-

1 ment of LGBTQI people during discussions with or
2 participation in the full range of regional, multilat-
3 eral, and international fora, such as the Organiza-
4 tion of American States, the Organization for Secu-
5 rity and Cooperation in Europe, the European
6 Union, the African Union, and the Association of
7 South East Asian Nations.

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

15 **SEC. 12. REPRESENTING THE RIGHTS OF UNITED STATES**
16 **LGBTQI CITIZENS DEPLOYED TO DIPLO-**
17 **MATIC AND CONSULAR POSTS.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that, recognizing the importance of a diverse work-
20 force in the representation of the United States abroad,
21 and in support of sound personnel staffing policies, the
22 Secretary of State should—

23 (1) prioritize efforts to ensure that foreign gov-
24 ernments do not impede the assignment of United

1 States LGBTQI citizens and their families to diplo-
2 matic and consular posts;

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

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

11 (b) REMEDIES FOR FAMILY VISA DENIAL.—

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

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

20 (A) a classified list of each country that
21 has refused to grant accreditation to LGBTQI
22 employees of the Department of State or their
23 family members in the prior 2 years; and

24 (B) the actions taken or intended to be
25 taken by the Secretary, in accordance with

1 paragraph (1), to ensure that LGBTQI employ-
2 ees are appointed to appropriate positions in ac-
3 cordance with diplomatic needs and personnel
4 qualifications, including actions specifically re-
5 lating to securing the accreditation of the fami-
6 lies of such employees by 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 of the Department
11 of State and employees with LGBTQI family mem-
12 bers have adequate information to pursue overseas
13 postings, including country environment information
14 for adults and children.

15 (2) NON-DISCRIMINATION POLICIES FOR
16 UNITED STATES GOVERNMENT-SUPPORTED
17 SCHOOLS.—The Secretary of State shall make every
18 effort to ensure schools abroad that receive assist-
19 ance and support from the United States Govern-
20 ment under programs administered by the Office of
21 Overseas Schools of the Department of State have
22 active and clear nondiscrimination policies, including
23 policies relating to sexual orientation and gender
24 identity impacting LGBTQI children of all ages.

1 (3) REQUIRED INFORMATION FOR LGBTQI
2 CHILDREN.—The Secretary of State shall ensure
3 that information focused on LGBTQI children of all
4 ages (including transgender and gender noncon-
5 forming students) is included in post reports, bid-
6 ding materials, and Office of Overseas Schools re-
7 ports, databases, and adequacy lists.