

117TH CONGRESS
1ST SESSION

H. R. 3800

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2021

Ms. TITUS (for herself, Mr. CICILLINE, Mr. CASTRO of Texas, Mr. PAPPAS, Mr. GRIJALVA, Mr. TAKANO, Ms. BONAMICI, Ms. BASS, Mr. ESPAILLAT, Mr. GARCÍA of Illinois, Ms. JACOBS of California, Ms. SCHAKOWSKY, Ms. NORTON, Mr. SHERMAN, Mr. LEVIN of Michigan, Mr. HUFFMAN, Mr. MCGOVERN, Mr. BLUMENAUER, Mr. LYNCH, Ms. SÁNCHEZ, Ms. DELBENE, Mr. SOTO, Mr. DESAULNIER, Mr. POCAN, Mr. DEUTCH, Mrs. NAPOLITANO, Mr. VARGAS, Mr. LOWENTHAL, Ms. PRESSLEY, Mr. PAL-LONE, Ms. CHU, Ms. BROWNLEY, Mr. CASE, Mr. KILMER, Mr. AUCHINCLOSS, Mr. CONNOLLY, Mr. MCEACHIN, Mr. COHEN, Ms. CLARKE of New York, Mr. KEATING, Ms. LOIS FRANKEL of Florida, Mr. HORSFORD, Mr. SIRES, Mr. SWALWELL, Mr. DELGADO, Ms. ESHOO, Mr. SMITH of Washington, Ms. WASSERMAN SCHULTZ, Mr. TONKO, Ms. SCANLON, Mrs. HAYES, Mr. JOHNSON of Georgia, Ms. PINGREE, Mr. RASKIN, Ms. ROYBAL-ALLARD, Mrs. LAWRENCE, Mr. QUIGLEY, Mr. PAYNE, Mr. TORRES of New York, Ms. OMAR, Ms. DEAN, Mr. KHANNA, Mr. SCHNEIDER, Ms. BOURDEAUX, Mr. RUPPERSBERGER, Ms. VELÁZQUEZ, Ms. WEXTON, Mr. GALLEGO, Mr. PANETTA, Mr. KILDEE, Ms. BLUNT ROCHESTER, Ms. OCASIO-CORTEZ, Ms. MOORE of Wisconsin, Mr. SUOZZI, Mrs. WATSON COLEMAN, Mr. KIM of New Jersey, Ms. NEW-MAN, Ms. MENG, Mr. WELCH, Mr. GREEN of Texas, Mr. LARSON of Con-necticut, Mr. CARSON, Mrs. CAROLYN B. MALONEY of New York, Ms. TLAIB, Mr. SEAN PATRICK MALONEY of New York, Mr. JONES, Mr. MCNERNEY, Mr. NADLER, Ms. CRAIG, Mr. MALINOWSKI, Ms. MCCOL-LUM, Miss RICE of New York, Mr. COSTA, Mr. MEEKS, Mr. DANNY K. DAVIS of Illinois, Mr. LIEU, and Mr. HIMES) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in ad-dition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provi-sions as fall within the jurisdiction of the committee concerned

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 TITLE.**

4 This Act may be cited as the “Greater Leadership
5 Overseas for the Benefit of Equality Act of 2021” or the
6 “GLOBE Act of 2021”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) The norms of good governance, human
10 rights protections, and the rule of law have been vio-
11 lated unconscionably with respect to lesbian, gay, bi-
12 sexual, transgender, queer, and intersex (LGBTQI)
13 peoples in an overwhelming majority of countries
14 around the world, where LGBTQI people face vio-
15 lence, hatred, bigotry, and discrimination because of
16 who they are and whom they love.

17 (2) In at least 68 countries, or almost 40 per-
18 cent of the world, same-sex relations and relation-
19 ships are criminalized. Many countries also crim-
20 inalize or otherwise prohibit cross-dressing and gen-
21 der-affirming treatments for transgender individuals.

1 (3) 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 (4) 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 (5) As documented by the State Department,
18 LGBTQI individuals are subjected in many coun-
19 tries to capricious imprisonment, loss of employ-
20 ment, housing, access to health care, and 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 (6) Targeted sanctions are an important tool to
2 push for accountability for violations of the human
3 rights of LGBTQI people.

4 (7) 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 (8) 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 (9) LGBTQI populations are disproportionately
17 impacted by the Mexico City Policy, also widely re-
18 ferred 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 (10) Because they face tremendous discrimina-
2 tion in the formal labor sector, many sex workers
3 are also LGBTQI individuals, and many sex-worker-
4 led programs and clinics serve the LGBTQI commu-
5 nity with safe, non-stigmatizing, medical and social
6 care. USAID has also referred to sex workers as a
7 “most-at-risk population”. The anti-prostitution loy-
8 alty oath that health care providers receiving United
9 States assistance must take isolates sex-worker-led
10 and serving groups from programs and reinforces
11 stigma, undermining both the global AIDS response
12 and human rights. The Supreme Court found this
13 requirement unconstitutional as it applies to United
14 States nongovernmental organizations and their for-
15 eign affiliates in 2013.

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

22 (12) In many countries, intersex individuals ex-
23 perience prejudice and discrimination because their
24 bodies do not conform to general expectations about
25 sex and gender. Because of these expectations, medi-

1 cally unnecessary interventions are often performed
2 in infancy without the consent or approval of
3 intersex individuals, in violation of international
4 human rights standards.

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

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

23 (15) In December 2011, President Barack
24 Obama directed all Federal foreign affairs agencies
25 to ensure that their diplomatic, humanitarian, health

1 and foreign assistance programs take into account
2 the needs of marginalized LGBTQI communities
3 and persons.

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

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

16 (18) In *Bostock v. Clayton County*, the Su-
17 preme Court held that title VII of the Civil Rights
18 Act of 1964 prohibits discrimination on the basis of
19 gender identity and sexual orientation. On January
20 20, 2021, President Biden issued Executive Order
21 13988 to enforce *Bostock*, which orders all agency
22 heads to determine the additional steps they should
23 take to ensure that administration policies are fully
24 implemented consistent with *Bostock*, including the
25 Secretary of State and the Administrator of USAID.

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

8 (20) Inclusion of human rights protections for
9 LGBTQI individuals in United States trade agree-
10 ments, as in the United States-Mexico-Canada
11 Agreement, and trade preference programs is in-
12 tended both to ensure a level playing field for United
13 States business and to provide greater workplace
14 protections overseas, compatible with those of the
15 United States.

16 (21) Engaging multilateral fora and inter-
17 national institutions is critical to impacting global
18 norms and to broadening global commitments to
19 fairer standards for the treatment of all people, in-
20 cluding LGBTQI. The United States must remain a
21 leader in the United Nations system and has a vest-
22 ed interest in the success of that multilateral en-
23 gagement.

24 (22) Ongoing United States participation in the
25 Equal Rights Coalition, which is a new intergovern-

1 mental coalition of more than 40 governments and
2 leading civil society organizations that work together
3 to protect the human rights of LGBTQI people
4 around the world, remains vital to international ef-
5 forts to respond to violence and impunity.

6 (23) Those who represent the United States
7 abroad, including our diplomats, development spe-
8 cialists and military, should reflect the diversity of
9 our country and honor America’s call to equality, in-
10 cluding through proud and open service abroad by
11 LGBTQI Americans and those living with HIV.

12 **SEC. 3. DOCUMENTING AND RESPONDING TO BIAS-MOTI-**
13 **VATED VIOLENCE AGAINST LGBTQI PEOPLE**
14 **ABROAD.**

15 (a) INFORMATION REQUIRED TO BE INCLUDED IN
16 ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRAC-
17 TICES.—

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

21 (A) in paragraph (11)(C), by striking “;
22 and” and inserting a semicolon;

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

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

3 “(13) wherever applicable, the nature and ex-
4 tent of criminalization, discrimination, and violence
5 based on sexual orientation and gender identity, in-
6 cluding an identification of those countries that have
7 adopted laws or constitutional provisions that crim-
8 inalize or discriminate based on sexual orientation or
9 gender identity, including detailed descriptions of
10 such laws and provisions.”.

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

14 (A) by redesignating the second subsection
15 (i) (relating to child marriage status) as sub-
16 section (j); and

17 (B) by adding at the end the following new
18 subsection:

19 “(k) SEXUAL ORIENTATION AND GENDER IDEN-
20 TITY.—The report required under subsection (b) shall in-
21 clude, wherever applicable, the nature and extent of crim-
22 inalization, discrimination, and violence based on sexual
23 orientation and gender identity, including an identification
24 of those countries that have adopted laws or constitutional
25 provisions that criminalize or discriminate based on sexual

1 orientation or gender identity, including detailed descrip-
2 tions of such laws and provisions.”.

3 (b) REVIEW AT DIPLOMATIC AND CONSULAR
4 POSTS.—

5 (1) IN GENERAL.—In preparing the annual
6 country reports on human rights practices required
7 by section 116 or 502B of the Foreign Assistance
8 Act of 1961, as amended by subsection (a), the Sec-
9 retary of State shall obtain information from each
10 diplomatic and consular post with respect to the fol-
11 lowing:

12 (A) Incidents of violence against LGBTQI
13 people in the country in which such post is lo-
14 cated.

15 (B) An analysis of the factors enabling or
16 aggravating such incidents, such as government
17 policy, societal pressure, or external actors.

18 (C) The response, whether public or pri-
19 vate, of the personnel of such post with respect
20 to such incidents.

21 (2) ADDRESSING BIAS-MOTIVATED VIOLENCE.—

22 The Secretary shall include in the annual strategic
23 plans of the regional bureaus concrete diplomatic
24 strategies, programs, and policies to address bias-
25 motivated violence using information obtained pursu-

1 ant to paragraph (1), such as programs to build ca-
2 pacity among civil society or governmental entities to
3 document, investigate, and prosecute instances of
4 such violence and provide support to victims of such
5 violence.

6 (c) INTERAGENCY GROUP.—

7 (1) ESTABLISHMENT.—There is established an
8 interagency group on responses to urgent threats to
9 LGBTQI people in foreign countries (in this sub-
10 section referred to as the “interagency group”), that
11 shall be chaired by the Secretary of State and in-
12 clude the Secretary of Defense, the Secretary of the
13 Treasury, the Administrator of the United States
14 Agency for International Development, the Attorney
15 General, and the head of each other Federal depart-
16 ment or agency the President determines is relevant
17 to the duties of the interagency group.

18 (2) DUTIES.—The duties of the interagency
19 group shall be to—

20 (A) coordinate the responses of each par-
21 ticipating agency with respect to threats di-
22 rected towards LGBTQI populations in other
23 countries;

24 (B) develop longer-term approaches to pol-
25 icy developments and incidents negatively im-

1 pacting the LGBTQI populations in specific
2 countries;

3 (C) advise the President on the designation
4 of foreign persons for sanctions pursuant to
5 section 4;

6 (D) identify United States laws and poli-
7 cies, at the Federal, State, and local levels, that
8 affirm the equality of LGBTQI persons; and

9 (E) use such identified laws and policies to
10 develop diplomatic strategies to share the exper-
11 tise obtained from the implementation of such
12 laws and policies with appropriate officials of
13 countries where LGBTQI persons do not enjoy
14 equal protection under the law.

15 (d) SPECIAL ENVOY FOR THE HUMAN RIGHTS OF
16 LGBTQI PEOPLES.—

17 (1) ESTABLISHMENT.—The Secretary of State
18 shall establish in the Bureau of Democracy, Human
19 Rights, and Labor of the Department of State a per-
20 manent Special Envoy for the Human Rights of
21 LGBTQI Peoples (in this section referred to as the
22 “Special Envoy”), who shall have the rank of Am-
23 bassador and shall be appointed by the President.
24 The Special Envoy shall report directly to the As-

1 sistant Secretary for Democracy, Human Rights,
2 and Labor.

3 (2) PURPOSE.—The Special Envoy shall direct
4 efforts of the United States Government relating to
5 United States foreign policy, as directed by the Sec-
6 retary, regarding human rights abuses against
7 LGBTQI people and communities internationally
8 and the advancement of human rights for LGBTQI
9 people, and shall represent the United States inter-
10 nationally in bilateral and multilateral engagement
11 on such matters.

12 (3) DUTIES.—

13 (A) IN GENERAL.—The Special Envoy—

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

17 (ii) shall, notwithstanding any other
18 provision of law, direct activities, policies,
19 programs, and funding relating to the
20 human rights of LGBTQI people and the
21 advancement of LGBTQI equality initia-
22 tives internationally, for all bureaus and
23 offices of the Department of State and
24 shall lead the coordination of relevant

1 international programs for all other Fed-
2 eral agencies relating to 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 programs,
14 projects, and activities of the Department
15 of State and the United States Agency for
16 International Development designed to pre-
17 vent and respond to criminalization, dis-
18 crimination, and violence against LGBTQI
19 people internationally are subject to rig-
20 orous monitoring and evaluation, and that
21 there is a uniform set of indicators and
22 standards for such monitoring and evalua-
23 tion that is used across international pro-
24 grams in Federal agencies; and

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

8 (4) DATA REPOSITORY.—The Bureau of De-
9 mocracy, Human Rights, and Labor shall—

10 (A) be the central repository of data on all
11 United States programs, projects, and activities
12 that relate to prevention and response to crim-
13 inalization, discrimination, and violence against
14 LGBTQI people internationally; and

15 (B) produce—

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

19 (ii) evaluations of the effectiveness of
20 such programs, projects, and activities.

21 (e) TRAINING AT INTERNATIONAL LAW ENFORCE-
22 MENT ACADEMIES.—The President shall ensure that any
23 international law enforcement academy supported by
24 United States assistance shall provide training with re-
25 spect to the rights of LGBTQI people, including through

1 specialized courses highlighting best practices in the docu-
2 mentation, investigation, and prosecution of bias-moti-
3 vated hate crimes targeting persons based on actual or
4 perceived sexual orientation, gender identity, or sex char-
5 acteristics.

6 **SEC. 4. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR**
7 **VIOLATIONS OF HUMAN RIGHTS AGAINST**
8 **LGBTQI PEOPLE.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act and biannually there-
11 after, the President shall transmit to the appropriate con-
12 gressional committees a list of each foreign person the
13 President determines, based on credible information, in-
14 cluding information obtained by other countries or by non-
15 governmental organizations that monitor violations of
16 human rights—

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

20 (A) cruel, inhuman, or degrading treat-
21 ment or punishment;

22 (B) prolonged detention without charges
23 and trial;

1 (C) causing the disappearance of such per-
2 sons by the abduction and clandestine detention
3 of such persons; or

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

6 (2) acted as an agent of or on behalf of a for-
7 eign person in a matter relating to an activity de-
8 scribed in paragraph (1); or

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

12 (b) FORM; UPDATES; REMOVAL.—

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

23 (A) determines that—

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

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

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

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

21 (3) REMOVAL.—A foreign person may be re-
22 moved from the list required by subsection (a) if the
23 President determines and reports to the appropriate
24 congressional committees not later than 15 days be-

1 fore the removal of such person from such list
2 that—

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

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

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

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

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

24 (1) CONSIDERATION OF INFORMATION.—In ad-
25 dition to the guidance issued pursuant to subsection

1 (c), the President shall also consider information
2 provided by the Chair or Ranking Member of each
3 of the appropriate congressional committees in de-
4 termining whether to include a foreign person in the
5 list required by subsection (a).

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

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

22 (4) FORM.—The President may transmit a re-
23 sponse required by paragraph (2) or paragraph (3)
24 in classified form if the President determines that it

1 is necessary for the national security interests of the
2 United States to do so.

3 (e) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

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

8 (A) inadmissible to the United States;

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

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

15 (2) CURRENT VISAS REVOKED.—

16 (A) IN GENERAL.—The issuing consular
17 officer or the Secretary of State (or a designee
18 of the Secretary of State) shall, in accordance
19 with section 221(i) of the Immigration and Na-
20 tionality Act (8 U.S.C. 1201(i)), revoke any
21 visa or other entry documentation issued to a
22 foreign person on the list required by subsection
23 (a), and any visa or other entry documentation
24 issued to any immediate family member of such

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

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

5 (i) take effect immediately; and

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

9 (C) REGULATIONS REQUIRED.—Not later
10 than 180 days after the date of the enactment
11 of this Act, the Secretary of State shall pre-
12 scribe such regulations as are necessary to
13 carry out this subsection.

14 (D) EXCEPTION TO COMPLY WITH INTER-
15 NATIONAL OBLIGATIONS.—Sanctions under this
16 subsection shall not apply with respect to a for-
17 eign person if admitting or paroling such per-
18 son into the United States is necessary to per-
19 mit the United States to comply with the
20 Agreement regarding the Headquarters of the
21 United Nations, signed at Lake Success, June
22 26, 1947, and entered into force November 21,
23 1947, between the United Nations and the
24 United States, or other applicable international
25 obligations.

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

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

12 (A) IN GENERAL.—The President may
13 waive the application of paragraph (1) or (2)
14 with respect to a foreign person included in the
15 list required by subsection (a) if the President
16 determines and transmits to the appropriate
17 congressional committees notice and justifica-
18 tion, that such a waiver—

19 (i) is necessary to permit the United
20 States to comply with the Agreement be-
21 tween the United Nations and the United
22 States of America regarding the Head-
23 quarters of the United Nations, signed
24 June 26, 1947, and entered into force No-
25 vember 21, 1947, or other applicable inter-

1 national obligations of the United States;

2 or

3 (ii) is in the national security interests

4 of the United States.

5 (B) TIMING OF CERTAIN WAIVERS.—A

6 waiver pursuant to a determination under

7 clause (ii) of subparagraph (A) shall be trans-

8 mitted not later than 15 days before the grant-

9 ing of such waiver.

10 (f) REPORT TO CONGRESS.—Not later than one year

11 after the date of the enactment of this Act and annually

12 thereafter, the President, acting through the Secretary of

13 State, shall submit to the appropriate congressional com-

14 mittees a report on—

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

16 including—

17 (A) the number of foreign persons added

18 to or removed from the list required by sub-

19 section (a) during the year preceding each such

20 report, the dates on which such persons were so

21 added or removed, and the reasons for so add-

22 ing or removing such persons; and

23 (B) an analysis that compares increases or

24 decreases in the number of such persons added

1 or removed year-over-year and the reasons
2 therefor; and

3 (2) any efforts by the President to coordinate
4 with the governments of other countries, as appro-
5 priate, to impose sanctions that are similar to the
6 sanctions imposed under this section.

7 (g) DEFINITIONS.—In this section:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Armed Services, the
12 Committee on Foreign Affairs, the Committee
13 on Homeland Security, and the Committee on
14 the Judiciary of the House of Representatives;
15 and

16 (B) the Committee on Armed Services, the
17 Committee on Foreign Relations, the Com-
18 mittee on Homeland Security and Govern-
19 mental Affairs, and the Committee on the Judi-
20 ciary of the Senate.

21 (2) FOREIGN PERSON.—The term “foreign per-
22 son” has the meaning given such term in section
23 595.304 of title 31, Code of Federal Regulations (as
24 in effect on the day before the date of the enactment
25 of this Act).

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

5 (4) PERSON.—The term “person” has the
6 meaning given such term in section 591.308 of title
7 31, Code of Federal Regulations (as in effect on the
8 day before the date of the enactment of this Act).

9 **SEC. 5. COMBATING INTERNATIONAL CRIMINALIZATION OF**
10 **LGBTQI STATUS, EXPRESSION, OR CONDUCT.**

11 (a) ANNUAL STRATEGIC REVIEW.—The Secretary of
12 State, in consultation with the Administrator of the
13 United States Agency for International Development, shall
14 include during the course of annual strategic planning an
15 examination of the progress made in countries around the
16 world toward the decriminalization of the status, expres-
17 sion, and conduct of LGBTQI individuals, the obstacles
18 that remain toward achieving such decriminalization, and
19 the strategies available to the Department and the Agency
20 to address such obstacles.

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

23 (1) An examination of the full range of criminal
24 and civil laws of other countries that disproportion-
25 ately impact communities of LGBTQI individuals or

1 apply with respect to the conduct of LGBTQI indi-
2 viduals.

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

6 (A) the Attorney General, acting through
7 the Office of Overseas Prosecutorial Develop-
8 ment Assistance and Training of the Depart-
9 ment of Justice, shall prioritize programs seek-
10 ing to—

11 (i) decriminalize the status, expres-
12 sion, and conduct of LGBTQI individuals;

13 (ii) monitor the trials of those pros-
14 ecuted because of such status, expression,
15 or conduct; and

16 (iii) reform related laws having a dis-
17 criminatory impact on LGBTQI individ-
18 uals; and

19 (B) applicable speaker or exchange pro-
20 grams sponsored by the United States Govern-
21 ment shall bring together civil society and gov-
22 ernmental leaders to promote the recognition of
23 LGBTQI rights through educational exchanges
24 in the United States and support better under-
25 standing of the role that governments and civil

1 societies mutually play in assurance of equal
2 treatment of LGBTQI populations abroad.

3 **SEC. 6. FOREIGN ASSISTANCE TO PROTECT HUMAN RIGHTS**
4 **OF LGBTQI PEOPLE.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the full implementation of Executive Order
7 13988 and Bostock requires that United States foreign
8 assistance and development organizations adopt the policy
9 that no contractor, grantee, or implementing partner ad-
10 ministering United States assistance for any humani-
11 tarian, development, or global health programs may dis-
12 criminate against any employee or applicant for employ-
13 ment because of their gender identity or sexual orienta-
14 tion.

15 (b) GLOBAL EQUALITY FUND.—

16 (1) IN GENERAL.—The Secretary of State shall
17 establish a fund, to be known as the “Global Equal-
18 ity Fund”, to be managed by the Assistant Sec-
19 retary of the Bureau of Democracy, Human Rights
20 and Labor, consisting of such sums as may be ap-
21 propriated to provide grants, emergency assistance,
22 and technical assistance to eligible civil society orga-
23 nizations and human rights defenders working to ad-
24 vance and protect human rights for all including

1 LGBTQI persons, by seeking to achieve the fol-
2 lowing:

3 (A) Ensuring the freedoms of assembly,
4 association, and expression.

5 (B) Protecting persons or groups against
6 the threat of violence, including medically un-
7 necessary interventions performed on intersex
8 infants.

9 (C) Advocating against laws that crim-
10 inalize LGBTQI status, expression, or conduct
11 or discriminate against individuals on the basis
12 of sexual orientation, gender identity, or sex
13 characteristics.

14 (D) Ending explicit and implicit forms of
15 discrimination in the workplace, housing, edu-
16 cation, and other public institutions or services.

17 (E) Building community awareness and
18 support for the human rights of LGBTQI per-
19 sons.

20 (2) CONTRIBUTIONS.—The Secretary may ac-
21 cept financial and technical contributions from cor-
22 porations, bilateral donors, foundations, nongovern-
23 mental organizations, and other entities supporting
24 the outcomes described in paragraph (1), through
25 the Global Equality Fund.

1 (3) PRIORITIZATION.—In providing assistance
2 through the Global Equality Fund, the Secretary
3 shall ensure due consideration and appropriate
4 prioritization of assistance to groups that have his-
5 torically been excluded from programs undertaken
6 for the outcomes described in paragraph (1).

7 (c) LGBTQI GLOBAL DEVELOPMENT PARTNER-
8 SHIP.—The Administrator of the United States Agency
9 for International Development, in consultation with the
10 Secretary of State, shall establish a partnership, to be
11 known as the “LGBTQI Global Development Partner-
12 ship”, to leverage the financial and technical contributions
13 of corporations, bilateral donors, foundations, nongovern-
14 mental organizations, and universities to support the
15 human rights and development of LGBTQI persons
16 around the world by supporting programs, projects, and
17 activities for the following purposes:

18 (1) To strengthen the capacity of LGBTQI
19 leaders and civil society organizations.

20 (2) To train LGBTQI leaders to effectively par-
21 ticipate in democratic processes and lead civil insti-
22 tutions.

23 (3) To conduct research to inform national, re-
24 gional, or global policies and programs.

1 (4) To promote economic empowerment through
2 enhanced LGBTQI entrepreneurship and business
3 development.

4 (d) CONSULTATION.—In coordinating programs,
5 projects, and activities through the Global Equality Fund
6 or the Global Development Partnership, the Secretary of
7 State shall consult, as appropriate, with the Administrator
8 of the United States Agency for International Develop-
9 ment and the heads of other relevant Federal departments
10 and agencies.

11 (e) REPORT.—The Secretary of State shall submit to
12 the appropriate congressional committees an annual re-
13 port on the work of, successes obtained, and challenges
14 faced by the Global Equality Fund and the LGBTQI Glob-
15 al Development Partnership established in accordance
16 with this section.

17 (f) LIMITATION ON ASSISTANCE RELATING TO
18 EQUAL ACCESS.—

19 (1) IN GENERAL.—None of the amounts au-
20 thorized to be appropriated or otherwise made avail-
21 able to provide United States assistance for any hu-
22 manitarian, development, or global health programs
23 may be made available to any contractor, grantee, or
24 implementing partner, unless such recipient—

1 (A) ensures that the program, project, or
2 activity funded by such amounts are made
3 available to all elements of the population, ex-
4 cept to the extent that such program, project,
5 or activity targets a population because of the
6 higher assessed risk of negative outcomes
7 among such populations;

8 (B) undertakes to make every reasonable
9 effort to ensure that each subcontractor or sub-
10 grantee of such recipient will also adhere to the
11 requirement described in subparagraph (A); and

12 (C) agrees to return all amounts awarded
13 or otherwise provided by the United States, in-
14 cluding such additional penalties as the Sec-
15 retary of State may determine to be appro-
16 priate, if the recipient is not able to adhere to
17 the requirement described in subparagraph (A).

18 (2) QUARTERLY REPORT.—The Secretary of
19 State shall provide to the appropriate congressional
20 committees a quarterly report on the methods by
21 which the Department monitors compliance with the
22 requirement in paragraph (1)(A).

23 (g) OFFICE OF FOREIGN ASSISTANCE.—The Sec-
24 retary of State, acting through the Director of the Office
25 of Foreign Assistance, shall monitor the amount of foreign

1 assistance obligated and expended on programs, projects,
2 and activities relating to LGBTQI people, and shall pro-
3 vide the results of the indicators tracking such expendi-
4 ture, upon request, to the Organization for Economic Co-
5 operation and Development.

6 **SEC. 7. GLOBAL HEALTH INCLUSIVITY.**

7 (a) IN GENERAL.—The Coordinator of United States
8 Government Activities to Combat HIV/AIDS Globally
9 shall develop mechanisms to ensure that the President’s
10 Emergency Plan for AIDS Relief (PEPFAR) is imple-
11 mented in a way that equitably serves LGBTQI people
12 in accordance with the goals described in section 6(f), in-
13 cluding by requiring all partner entities receiving assist-
14 ance through PEPFAR to receive training on the health
15 needs of and human rights standards relating to LGBTQI
16 people, and shall promptly notify Congress of any obsta-
17 cles encountered by a foreign government or contractor,
18 grantee, or implementing partner in the effort to equitably
19 implement PEPFAR as described in such subsection, in-
20 cluding any remedial steps taken by the Coordinator to
21 overcome such obstacles.

22 (b) REPORT ON INTERNATIONAL PROSECUTIONS FOR
23 SEX WORK OR CONSENSUAL SEXUAL ACTIVITY.—Not
24 later than 180 days after the date of the enactment of
25 this Act, the Coordinator shall submit to the appropriate

1 congressional committees a report describing the manner
2 in which commodities such as condoms provided by pro-
3 grams, projects, or activities funded through PEPFAR or
4 other sources of United States assistance have been used
5 as evidence to arrest, detain, or prosecute individuals in
6 other countries in order to enforce domestic laws criminal-
7 izing sex work or consensual sexual activity.

8 (c) REPORT ON HIV/AIDS-RELATED INDEX TEST-
9 ING.—Not later than 180 days after the date of the enact-
10 ment of this Act, the Coordinator shall submit to the ap-
11 propriate congressional committees a report describing the
12 impact of partner notification services and index testing
13 on treatment adherence, intimate partner violence, and ex-
14 posure to the criminal justice system for key populations,
15 including LGBTQI people and sex workers, using quali-
16 tative and quantitative data.

17 (d) REPORT ON IMPACT OF “GLOBAL GAG” RULE.—
18 Not later than 180 days after the date of the enactment
19 of this Act, the Comptroller General shall submit to the
20 appropriate congressional committees a report describing
21 the impact, as of the date of the submission of the report,
22 on the implementation and enforcement of any iteration
23 of the Mexico City Policy on the global LGBTQI commu-
24 nity.

1 (e) REMOVING LIMITATIONS ON ELIGIBILITY FOR
2 FOREIGN ASSISTANCE.—

3 (1) IN GENERAL.—Notwithstanding any other
4 provision of law, regulation, or policy, in determining
5 eligibility for assistance authorized under part I of
6 the Foreign Assistance Act of 1961 (22 U.S.C. 2151
7 et seq.), a foreign nongovernmental organization—

8 (A) shall not be ineligible for such assist-
9 ance solely on the basis of health or medical
10 services, including counseling and referral serv-
11 ices, provided by such organizations solely using
12 funds not provided by the United States Gov-
13 ernment, if such services do not violate the laws
14 of the country in which they are being provided
15 and would not violate Federal law if provided in
16 the United States; and

17 (B) shall not be subject to requirements
18 relating to advocacy and lobbying activities with
19 respect to funds not provided by the United
20 States Government, other than requirements re-
21 lating to such activities that also apply to
22 United States nongovernmental organizations
23 receiving assistance authorized under such part
24 I.

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

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

6 and

7 (B) by redesignating subsection (g) as sub-
8 section (d).

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

14 (A) in paragraph (1)—

15 (i) by striking “shall—” and all that
16 follows through “(A) provide” and insert-
17 ing “shall provide”;

18 (ii) by striking “; and” and inserting
19 a period; and

20 (iii) by striking subparagraph (B);

21 and

22 (B) in paragraph (2)—

23 (i) by striking “PREVENTION STRAT-
24 EGY.—” and all that follows through “In
25 carrying out paragraph (1)” and inserting

1 “PREVENTION STRATEGY.—In carrying
2 out paragraph (1)”; and

3 (ii) by striking subparagraph (B).

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

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

9 (B) by redesignating subsections (h) and
10 (i) as subsections (g) and (h), respectively.

11 **SEC. 8. IMMIGRATION REFORM.**

12 (a) REFUGEES AND ASYLUM SEEKERS.—

13 (1) LGBTQI SOCIAL GROUP.—Section
14 101(a)(42) of the Immigration and Nationality Act
15 (8 U.S.C. 1101(a)(42)) is amended by inserting
16 after the period at the end the following: “For pur-
17 poses of determinations under this Act, a person
18 who has been persecuted on the basis of sexual ori-
19 entation or gender identity, shall be deemed to have
20 been persecuted on account of membership in a par-
21 ticular social group, and a person who has a well
22 founded fear of persecution on the basis of sexual
23 orientation or gender identity shall be deemed to
24 have a well founded fear of persecution on account
25 of membership in a particular social group.”.

1 (2) REPORT.—Section 103(e) of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1103(e)) is
3 amended by adding at the end the following:

4 “(3) Each annual report shall include information on
5 the total number of applications for asylum and refugee
6 status received that are, in whole or in part, based on per-
7 secution or a well founded fear of persecution on account
8 of sexual orientation or gender identity, and the rate of
9 approval administratively of such applications.”.

10 (3) ASYLUM FILING DEADLINE REPEAL.—

11 (A) IN GENERAL.—Section 208(a)(2)(B) of
12 the Immigration and Nationality Act (8 U.S.C.
13 1158(a)(2)(B)) is repealed.

14 (B) CONFORMING AMENDMENTS.—Section
15 208(a)(2) of the Immigration and Nationality
16 Act (8 U.S.C. 1158(a)(2)) is amended—

17 (i) in subparagraph (D)—

18 (I) by striking “notwithstanding
19 subparagraphs (B) and (C)” and in-
20 serting “notwithstanding subpara-
21 graph (C)”;

22 (II) by striking “either” after
23 “Attorney General”; and

24 (III) by striking “or extraor-
25 dinary circumstances relating to the

1 delay in filing an application within
2 the period specified in subparagraph
3 (B)”; and

4 (ii) in subparagraph (E), by striking
5 “Subparagraphs (A) and (B)” and insert-
6 ing “Subparagraph (A)”.

7 (C) APPLICATION.—The amendments
8 made by this paragraph shall apply to applica-
9 tions for asylum filed before, on, or after the
10 date of the enactment of this Act.

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

14 (1) in paragraph (35), by inserting “includes
15 any permanent partner, but” before “does not in-
16 clude”; and

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

18 “(53) The term ‘marriage’ includes a permanent
19 partnership.

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

22 “(A) is in a committed, intimate relationship
23 with another individual 18 years of age or older, in
24 which both parties intend a lifelong commitment;

1 “(B) is financially interdependent with the
2 other individual;

3 “(C) is not married to anyone other than the
4 other individual;

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

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

11 “(55) The term ‘permanent partnership’ means the
12 relationship that exists between two permanent partners.”.

13 (c) COUNSEL.—

14 (1) APPOINTMENT OF COUNSEL.—Section
15 240(b)(4) of the Immigration and Nationality Act (8
16 U.S.C. 1229a(b)(4)) is amended—

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

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

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

22 “(D) notwithstanding subparagraph (A), in
23 a case in which an indigent alien requests rep-
24 resentation, such representation shall be ap-

1 pointed by the court, at the expense of the Gov-
2 ernment, for such proceedings.”.

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

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

7 (B) by striking “he” and inserting “the
8 person”; and

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

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

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

20 (d) REFUGEE ADMISSIONS OF LGBTQI ALIENS
21 FROM CERTAIN COUNTRIES.—

22 (1) IN GENERAL.—In the case of aliens who are
23 nationals of or, in the case of aliens having no na-
24 tionality, last habitually resided in a country that
25 fails to protect against persecution on the basis of

1 sexual orientation or gender identity and who share
2 common characteristics that identify them as targets
3 of persecution on account of sexual orientation or
4 gender identity, such aliens are eligible for Priority
5 2 processing under the refugee resettlement priority
6 system.

7 (2) RESETTLEMENT PROCESSING.—

8 (A) IN GENERAL.—In a case in which a
9 refugee admitted under section 207 of the Im-
10 migration and Nationality Act discloses to an
11 employee or contractor of the Bureau of Popu-
12 lation, Refugees, and Migration information
13 with respect to the refugee’s sexual orientation
14 or gender identity, the Secretary of State shall,
15 with the refugee’s consent, provide such infor-
16 mation to the appropriate national resettlement
17 agency to prevent the refugee from being placed
18 in a community in which the refugee is likely to
19 face continued discrimination and to place the
20 refugee in a community that offers services to
21 meet the needs of the refugee.

22 (B) NATIONAL RESETTLEMENT AGENCIES
23 DEFINED.—The term “national resettlement
24 agency” means an agency contracting with the
25 Department of State to provide sponsorship and

1 initial resettlement services to refugees entering
2 the United States.

3 (e) TRAINING PROGRAM.—

4 (1) TRAINING PROGRAM.—In order to create an
5 environment in which an alien may safely disclose
6 such alien’s sexual orientation or gender identity,
7 the Secretary of Homeland Security shall establish,
8 in consultation with the Secretary of State, a train-
9 ing program for staff and translators who partici-
10 pate in the interview process of aliens seeking asy-
11 lum or status as a refugee.

12 (2) COMPONENTS OF TRAINING PROGRAM.—
13 The training program described in paragraph (1)
14 shall include instruction on—

15 (A) appropriate word choice and word
16 usage;

17 (B) creating safe spaces and facilities for
18 LGBTQI aliens;

19 (C) confidentiality requirements; and

20 (D) nondiscrimination policies.

21 (f) LIMITATION ON DETENTION.—

22 (1) PRESUMPTION OF RELEASE.—

23 (A) IN GENERAL.—Notwithstanding any
24 other provision of law and except as provided in

1 subparagraphs (B) and (C), the Secretary of
2 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 assure the appear-
21 ance of the alien at removal proceedings, or
22 that the alien is a threat to another person or
23 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.—In a case in which deten-
4 tion is the least restrictive means of effec-
5 tuating the removal from the United States of
6 an alien who is a member of a vulnerable group,
7 the subject of a final order of deportation or re-
8 moval, and not detained under subparagraph
9 (B), the Secretary of Homeland Security may,
10 solely for the purpose of such removal, detain
11 the alien for a period 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.—With respect to an
18 alien detained under subparagraph (B) of para-
19 graph (1), not less frequently than once each
20 week, the Secretary of Homeland Security shall
21 conduct an individualized review to determine
22 whether the alien should continue to be de-
23 tained under such subparagraph.

24 (B) RELEASE.—In the case of a deter-
25 mination under subparagraph (A) that an alien

1 should not be detained under paragraph (1)(B),
2 not later than 24 hours after the date on which
3 the Secretary makes the determination, the Sec-
4 retary shall release the detainee.

5 (g) PROTECTIVE CUSTODY FOR LGBTQI ALIEN DE-
6 TAINES.—

7 (1) DETAINEES.—An LGBTQI alien who is de-
8 tained under subparagraph (B) or (C) of subsection
9 (f)(1) may not be placed in housing that is seg-
10 regated from the general population unless—

11 (A) the alien requests placement in such
12 housing for the protection of the alien; or

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

17 (2) PLACEMENT FACTORS.—In a case in which
18 an LGBTQI alien is placed in segregated housing
19 pursuant to paragraph (1), the Secretary of Home-
20 land Security shall ensure that such housing—

21 (A) includes non-LGBTQI aliens, to the
22 extent practicable; and

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

1 (3) PROTECTIVE CUSTODY REQUESTS.—In a
2 case in which an LGBTQI alien who is detained re-
3 quests placement in segregated housing for the pro-
4 tection of such alien, the Secretary of Homeland Se-
5 curity shall grant such request.

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

12 **SEC. 9. ISSUANCE OF PASSPORTS AND GUARANTEE OF**
13 **CITIZENSHIP TO CERTAIN CHILDREN BORN**
14 **ABROAD.**

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

23 (b) GUARANTEE OF CITIZENSHIP TO CHILDREN
24 BORN ABROAD USING ASSISTIVE REPRODUCTION TECH-
25 NOLOGY.—Not later than 90 days after the date of the

1 enactment of this Act, the Secretary of State shall issue
2 regulations, in accordance with the press statement re-
3 leased on May 18, 2021, with respect to “U.S. Citizenship
4 Transmission and Assisted Reproductive Technology”,
5 clarifying that no biological connection between a parent
6 and a child is required for a child to acquire citizenship
7 at birth from a United States citizen parent under sections
8 301(c), (d), (e), and (g) of the Immigration and Nation-
9 ality Act (8 U.S.C. 1401(c), (d), (e), and (g)), provided
10 that either the local law at the place of birth or United
11 States law recognize such a person to be the legal parent
12 of the child from birth.

13 **SEC. 10. ENGAGING INTERNATIONAL ORGANIZATIONS IN**
14 **THE FIGHT AGAINST LGBTQI DISCRIMINA-**
15 **TION.**

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

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

22 (2) United States leadership within inter-
23 national financial institutions, such as the World
24 Bank and the regional development banks, should be
25 used to ensure that the programs, projects, and ac-

1 activities undertaken by such institutions are fully in-
2 clusive of all people, including LGBTQI people; and

3 (3) the Secretary of State should seek appro-
4 priate opportunities to encourage the equal treat-
5 ment of LGBTQI people during discussions with or
6 participation in the full range of regional, multilat-
7 eral, and international fora, such as the Organiza-
8 tion of American States, the Organization for Secu-
9 rity and Cooperation in Europe, the European
10 Union, the African Union, and the Association of
11 South East Asian Nations.

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

19 **SEC. 11. REPRESENTING THE RIGHTS OF UNITED STATES**
20 **LGBTQI CITIZENS DEPLOYED TO DIPLO-**
21 **MATIC AND CONSULAR POSTS.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that, recognizing the importance of a diverse work-
24 force in the representation of the United States abroad,

1 and in support of sound personnel staffing policies, the
2 Secretary of State should—

3 (1) prioritize efforts to ensure that foreign gov-
4 ernments do not impede the assignment of United
5 States LGBTQI citizens and their families to diplo-
6 matic and consular posts;

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

12 (3) prioritize efforts to improve post and post
13 school information for LGBTQI employees and em-
14 ployees with LGBTQI family members.

15 (b) REMEDIES FOR FAMILY VISA DENIAL.—

16 (1) IN GENERAL.—The Secretary of State shall
17 use all appropriate diplomatic efforts to ensure that
18 the families of LGBTQI employees of the Depart-
19 ment are issued visas from countries where such em-
20 ployees are posted.

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

24 (A) a classified list of each country that
25 has refused to grant accreditation to LGBTQI

1 employees of the Department or their family
2 members in the prior two years; and

3 (B) the actions taken or intended to be
4 taken by the Secretary, in accordance with
5 paragraph (1), to ensure that LGBTQI employ-
6 ees are appointed to appropriate positions in ac-
7 cordance with diplomatic needs and personnel
8 qualifications, including actions specifically re-
9 lating to securing the accreditation of the fami-
10 lies of such employees by relevant countries.

11 (c) IMPROVING POST INFORMATION AND OVERSEAS
12 ENVIRONMENT FOR LGBTQI ADULTS AND CHILDREN.—

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

18 (2) NON-DISCRIMINATION POLICIES FOR
19 UNITED STATES GOVERNMENT-SUPPORTED
20 SCHOOLS.—The Secretary shall make every effort to
21 ensure schools abroad that receive assistance and
22 support from the United States Government under
23 programs administered by the Office of Overseas
24 Schools of the Department of State have active and
25 clear nondiscrimination policies, including policies

1 relating to sexual orientation and gender identity im-
2 pacting LGBTQI children of all ages.

3 (3) REQUIRED INFORMATION FOR LGBTQI
4 CHILDREN.—The Secretary shall ensure that infor-
5 mation focused on LGBTQI children of all ages (in-
6 cluding transgender and gender nonconforming stu-
7 dents) is included in post reports, bidding materials,
8 and Office of Overseas Schools reports, databases,
9 and adequacy lists.

10 **SEC. 12. DEFINITIONS.**

11 In this Act:

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

15 (A) the Committee on Foreign Affairs, the
16 Committee on the Judiciary, and the Com-
17 mittee on Appropriations of the House of Rep-
18 resentatives; and

19 (B) the Committee on Foreign Relations,
20 the Committee on the Judiciary, and the Com-
21 mittee on Appropriations of the Senate.

22 (2) GENDER IDENTITY.—The term “gender
23 identity” means the gender-related identity, appear-
24 ance, mannerisms, or other gender-related character-

1 istics of an individual, regardless of the individual’s
2 designated sex at birth.

3 (3) LGBTQI.—The term “LGBTQI” means
4 lesbian, gay, bisexual, transgender, queer, or
5 intersex.

6 (4) MEMBER OF A VULNERABLE GROUP.—The
7 term “member of a vulnerable group” means, with
8 respect to an alien, that such alien—

9 (A) is under 21 years of age or over 60
10 years of age;

11 (B) is pregnant;

12 (C) identifies as lesbian, gay, bisexual,
13 transgender, or intersex;

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

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

17 (F) has a serious mental or physical illness
18 or disability;

19 (G) has been determined by an asylum of-
20 ficer in an interview conducted under section
21 235(b)(1)(B) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1225(b)(1)(B)) to have a
23 credible fear of persecution; or

24 (H) has been determined by an immigra-
25 tion judge or the Secretary of Homeland Secu-

1 rity to be experiencing severe trauma or to be
2 a survivor of torture or gender-based violence,
3 based on information obtained during intake,
4 from the alien’s attorney or legal service pro-
5 vider, or through credible self-reporting.

6 (5) SEXUAL ORIENTATION.—The term “sexual
7 orientation” means actual or perceived homosex-
8 uality, heterosexuality, or bisexuality.

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