

115TH CONGRESS
2D SESSION

H. R. 7291

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2018

Ms. TITUS (for herself, Mr. ENGEL, Mr. CICILLINE, Mr. LOWENTHAL, Ms. LOFGREN, Mrs. LOWEY, Mr. TAKANO, and Mr. NADLER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect human rights and enhance opportunities for LGBTI 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 2018” or the
6 “GLOBE Act of 2018”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

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

9 (2) In 75 countries, or almost 40 percent of the
10 world, same-sex relations and relationships are
11 criminalized. These include Nigeria, Egypt, and
12 Uganda, among others. Homosexuality is punishable
13 by death in at least 8 countries. Many countries also
14 criminalize or otherwise prohibit cross-dressing and
15 gender-affirming treatments for transgender individ-
16 uals.

17 (3) Criminalizing LGBTI status or conduct is
18 at the base of political, social and economic injustice
19 toward LGBTI individuals in many countries.

20 (4) The World Bank has begun to measure the
21 macro-economic costs of criminal laws targeting
22 LGBTI individuals through lost productivity, detri-
23 mental health outcomes and violence, as a step to-
24 ward mitigating those costs.

1 (5) Violence and discrimination based on sexual
2 orientation and gender identity are documented in
3 the Department of State’s annual Country Human
4 Rights Reports to Congress. These reports continue
5 to show a clear pattern of human rights violations
6 in every region of the world based on sexual orienta-
7 tion and gender identity.

8 (6) These violations include murder, rape, tor-
9 ture, death threats, extortion, and imprisonment, in
10 many cases with the complicity of governing offi-
11 cials. In the Russian autonomous region of
12 Chechnya, Chechen authorities have been found di-
13 rectly complicit in the round-up, torture, and mur-
14 ders of LGBTI men. In Indonesia, public humilia-
15 tion and punishment of gay men has been carried
16 out. In Jamaica, lesbian women have been subjected
17 to so-called “corrective rape”.

18 (7) As documented by the State Department,
19 LGBTI individuals are subjected in many countries
20 to capricious imprisonment, loss of employment,
21 housing, access to health care, and societal stigma
22 and discrimination. LGBTI-specific restrictions on
23 basic freedoms of assembly, press, and speech exist
24 in every region of the world. Public support for
25 LGBTI communities is prohibited in many coun-

1 tries, including Russia, Belarus, Moldova,
2 Kyrgyzstan, and Egypt.

3 (8) Targeted sanctions are an important tool to
4 push for accountability for violations of the human
5 rights of LGBTI people. In December 2017, the
6 United States imposed sanctions on Chechen Presi-
7 dent Ramzan Kadyrov and head of the Chechen
8 Ministry of Internal Affairs Ayub Kataev, for com-
9 mitting extrajudicial imprisonment, torture, and
10 murder, including of gay men, in Chechnya.

11 (9) Anti-LGBTI laws and discrimination pose
12 significant risks for LGBTI youth who come out to
13 their family or community and often face rejection,
14 homelessness, and limited educational and economic
15 opportunities. These factors contribute to increased
16 risks of substance abuse, suicide, and HIV infection
17 among LGBTI youth.

18 (10) Anti-LGBTI laws also increase global
19 health risks. Studies have shown that when LGBTI
20 people, especially LGBTI youth, face discrimination,
21 they are less likely to seek HIV testing, prevention,
22 and treatment services. In countries such as Tan-
23 zania, government authorities have closed down ac-
24 cess to HIV services for gay men.

1 (11) LGBTI populations are disproportionately
2 impacted by the Mexico City Policy, also widely re-
3 ferred to as the “global gag rule”, which was rein-
4 stated and expanded by President Donald J. Trump
5 on January 23, 2017. LGBTI people often receive
6 much of their healthcare through reproductive health
7 clinics, and organizations that cannot comply with
8 the policy are forced to discontinue work on United
9 States-supported global health projects that are fre-
10 quently used by LGBTI populations, including HIV
11 prevention and treatment, stigma reduction, and re-
12 search.

13 (12) Because they face tremendous discrimina-
14 tion in the formal labor sector, many sex workers
15 are also LGBTI individuals, and many sex-worker-
16 led programs and clinics serve the LGBTI commu-
17 nity with safe, non-stigmatizing, medical and social
18 care. USAID has also referred to sex workers as a
19 “most-at-risk population”. The anti-prostitution loy-
20 alty oath that health care providers receiving United
21 States assistance must take isolates sex-worker-led
22 and serving groups from programs and reinforces
23 stigma, undermining both the global AIDS response
24 and human rights. The Supreme Court found this
25 requirement unconstitutional as it applies to United

1 States nongovernmental organizations and their for-
2 eign affiliates in 2013.

3 (13) According to the Trans Murder Monitoring
4 Project, which monitors homicides of transgender in-
5 dividuals, 2,343 transgender and gender-diverse peo-
6 ple were murdered between 2008 and 2016, in 69
7 countries.

8 (14) In many countries, intersex individuals ex-
9 perience prejudice and discrimination because their
10 bodies do not conform to general expectations about
11 sex and gender. Because of these expectations, medi-
12 cally unnecessary interventions are often performed
13 in infancy without the consent or approval of
14 intersex individuals, in violation of international
15 human rights standards.

16 (15) Asylum and refugee protection are critical
17 last-resort protections for LGBTI individuals, but
18 those who seek such protections face ostracization
19 and abuse in refugee camps and detention facilities.
20 They are frequently targeted for violence, including
21 sexual assault, in refugee camps and in immigration
22 detention. LGBTI individuals may be segregated
23 against their will for long periods in solitary confine-
24 ment, in an effort to protect them from such vio-
25 lence, but prolonged solitary confinement itself rep-

1 resents an additional form of abuse that is pro-
2 foundly damaging to the social and psychological
3 well-being of any individual.

4 (16) The one-year filing deadline to apply for
5 United States asylum also disproportionately im-
6 pacts LGBTI individuals, as does the severe backlog
7 in immigration cases that LGBTI individuals must
8 endure. The lack of legal representation in asylum
9 and refugee adjudication proceedings imposes an
10 often insurmountable barrier to protection and dura-
11 ble resettlement.

12 (17) In December 2011, President Barack
13 Obama directed all Federal foreign affairs agencies
14 to ensure that their diplomatic, humanitarian, health
15 and foreign assistance programs take into account
16 the needs of marginalized LGBTI communities and
17 persons.

18 (18) In 2015, the Department of State estab-
19 lished the position of Special Envoy for the Human
20 Rights of LGBTI Persons. In 2017, the Trump Ad-
21 ministration indicated to Congress that it will retain
22 this position, which as of the date of the enactment
23 of this Act has still not been filled.

24 (19) The President’s Emergency Plan for AIDS
25 Relief’s 2018 Annual Report to Congress states that

1 “In order to reach epidemic control, we must ad-
2 dress the underlying social and cultural issues, espe-
3 cially unequal human rights and stigma and dis-
4 crimination, that prevent people from accessing HIV
5 prevention and treatment services”.

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

13 (21) In 2016, the United Nations Human
14 Rights Council passed a resolution cosponsored by
15 the United States that established an independent
16 expert on violence and discrimination based on sex-
17 ual orientation and gender identity to help monitor
18 and track discrimination and violence experienced by
19 LGBTI persons around the world.

20 (22) According to the International Guidelines
21 on HIV/AIDS and Human Rights, as published by
22 the United Nations High Commissioner for Human
23 Rights, and according to the July 2017 report of the
24 Independent Expert on protection against violence
25 and discrimination based on sexual orientation and

1 gender identity, countries should review and reform
2 criminal laws and correctional systems to ensure
3 that they are consistent with international human
4 rights obligations and are not misused or targeted
5 against vulnerable groups.

6 (23) Engaging multilateral fora and inter-
7 national institutions is critical to impacting global
8 norms and to broadening global commitments to
9 fairer standards for the treatment of all people, in-
10 cluding LGBTI. The United States must remain a
11 leader in the United Nations system and has a vest-
12 ed interest in the success of that multilateral en-
13 gagement.

14 (24) Ongoing United States leadership in the
15 Equal Rights Coalition, which is a new intergovern-
16 mental coalition of more than 40 governments and
17 leading civil society organizations that work together
18 to protect the human rights of LGBTI people
19 around the world, remains vital to international ef-
20 forts to respond to violence and impunity.

21 (25) Those who represent the United States
22 abroad, including our diplomats, development spe-
23 cialists and military, should reflect the diversity of
24 our country and honor America's call to equality, in-

1 cluding through proud and open service abroad by
2 LGBTI Americans and those living with HIV.

3 **SEC. 3. DOCUMENTING AND RESPONDING TO BIAS-MOTI-**
4 **VATED VIOLENCE AGAINST LGBTI PEOPLE**
5 **ABROAD.**

6 (a) INFORMATION TO INCLUDE IN ANNUAL COUN-
7 TRY REPORTS ON HUMAN RIGHTS PRACTICES.—The For-
8 eign Assistance Act of 1961 is amended—

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

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

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

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

17 “(13) wherever applicable, violence or discrimi-
18 nation that affects fundamental freedoms, including
19 widespread or systematic violation of the freedoms of
20 expression, association, or assembly of an individual
21 in foreign countries that is based on actual or per-
22 ceived sexual orientation, gender identity, or sex
23 characteristics.”; and

24 (2) in section 502B(b) (22 U.S.C. 2304(b)), by
25 inserting after the ninth sentence the following new

1 sentence: “Wherever applicable, such report shall
2 also include information regarding violence or dis-
3 crimination that affects the fundamental freedoms,
4 including widespread or systematic violation of the
5 freedoms of expression, association, or assembly of
6 an individual in foreign countries that is based on
7 actual or perceived sexual orientation, gender iden-
8 tity, or sex characteristics.”.

9 (b) REVIEW AT DIPLOMATIC AND CONSULAR
10 POSTS.—

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

18 (A) Incidents of violence against LGBTI
19 people in the country in which such post is lo-
20 cated.

21 (B) An analysis of the factors enabling or
22 aggravating such incidents, such as government
23 policy, societal pressure, or external actors.

1 (C) The response, whether public or pri-
2 vate, of the personnel of such post with respect
3 to such incidents.

4 (2) ADDRESSING BIAS-MOTIVATED VIOLENCE.—

5 The Secretary shall include in the annual strategic
6 plans of the regional bureaus concrete diplomatic
7 strategies, programs, and policies to address bias-
8 motivated violence using information obtained pursu-
9 ant to paragraph (1), such as programs to build ca-
10 pacity among civil society or governmental entities to
11 document, investigate, and prosecute instances of
12 such violence and provide support to victims of such
13 violence.

14 (c) INTERAGENCY GROUP.—

15 (1) ESTABLISHMENT.—There is established an
16 interagency group on responses to urgent threats to
17 LGBTI people in foreign countries (in this sub-
18 section referred to as the “interagency group”), that
19 shall be chaired by the Secretary of State and in-
20 clude the Secretary of Defense, the Secretary of the
21 Treasury, the Administrator of the United States
22 Agency for International Development, the Attorney
23 General, and the head of each other Federal depart-
24 ment or agency the President determines is relevant
25 to the duties of the interagency group.

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

3 (A) coordinate the responses of each par-
4 ticipating agency with respect to threats di-
5 rected towards LGBTI populations in other
6 countries;

7 (B) develop longer-term approaches to poli-
8 cy developments and incidents negatively im-
9 pacting the LGBTI populations in specific
10 countries;

11 (C) advise the President on the designation
12 of foreign persons for sanctions pursuant to
13 section 4;

14 (D) identify United States laws and poli-
15 cies, at the Federal, State, and local levels, that
16 affirm the equality of LGBTI persons; and

17 (E) use such identified laws and policies to
18 develop diplomatic strategies to share the exper-
19 tise obtained from the implementation of such
20 laws and policies with appropriate officials of
21 countries where LGBTI persons do not enjoy
22 equal protection under the law.

23 (d) SPECIAL ENVOY FOR THE HUMAN RIGHTS OF
24 LGBTI PEOPLES.—

1 (1) ESTABLISHMENT.—The Secretary of State
2 shall establish in the Bureau of Democracy, Human
3 Rights, and Labor (DRL) of the Department of
4 State a permanent Special Envoy for the Human
5 Rights of LGBTI Peoples (in this section referred to
6 as the “Special Envoy”), who shall be appointed by
7 the President. The Special Envoy shall report di-
8 rectly to the Assistant Secretary for DRL.

9 (2) PURPOSE.—The Special Envoy shall direct
10 efforts of the United States Government relating to
11 United States foreign policy, as directed by the Sec-
12 retary, regarding human rights abuses against
13 LGBTI people and communities internationally and
14 the advancement of human rights for LGBTI people,
15 and shall represent the United States internationally
16 in bilateral and multilateral engagement on such
17 matters.

18 (3) DUTIES.—

19 (A) IN GENERAL.—The Special Envoy—

20 (i) shall serve as the principal advisor
21 to the Secretary of State regarding human
22 rights for LGBTI people internationally;

23 (ii) shall, notwithstanding any other
24 provision of law, direct activities, policies,
25 programs, and funding relating to the

1 human rights of LGBTI people and the
2 advancement of LGBTI equality initiatives
3 internationally, for all bureaus and offices
4 of the Department of State and shall lead
5 the coordination of relevant international
6 programs for all other Federal agencies re-
7 lating to such matters;

8 (iii) shall represent the United States
9 in diplomatic matters relevant to the
10 human rights of LGBTI people, including
11 criminalization, discrimination, and vio-
12 lence against LGBTI people internation-
13 ally;

14 (iv) shall direct, as appropriate,
15 United States Government resources to re-
16 spond to needs for protection, integration,
17 resettlement, and empowerment of LGBTI
18 people in United States Government poli-
19 cies and international programs, including
20 to prevent and respond to criminalization,
21 discrimination, and violence against
22 LGBTI people internationally;

23 (v) shall design, support, and imple-
24 ment activities regarding support, edu-
25 cation, resettlement, and empowerment of

1 LGBTI people internationally, including
2 for the prevention and response to crim-
3 inalization, discrimination, and violence
4 against LGBTI people internationally;

5 (vi) shall lead interagency coordina-
6 tion between the foreign policy priorities
7 related to the human rights of LGBTI peo-
8 ple and the development assistance prior-
9 ities of the LGBTI Coordinator of the
10 United States Agency for International
11 Development;

12 (vii) shall conduct regular consultation
13 with nongovernmental organizations work-
14 ing to prevent and respond to criminaliza-
15 tion, discrimination, and violence against
16 LGBTI people internationally;

17 (viii) shall ensure that programs,
18 projects, and activities of the Department
19 of State and the United States Agency for
20 International Development designed to pre-
21 vent and respond to criminalization, dis-
22 crimination, and violence against LGBTI
23 people internationally are subject to rig-
24 orous monitoring and evaluation, and that
25 there is a uniform set of indicators and

1 standards for such monitoring and evalua-
2 tion that is used across international pro-
3 grams in Federal agencies; and

4 (ix) is authorized to represent the
5 United States in bilateral and multilateral
6 fora on matters relevant to the human
7 rights of LGBTI people internationally, in-
8 cluding criminalization, discrimination, and
9 violence against LGBTI people internation-
10 ally.

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

20 **SEC. 4. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR**
21 **VIOLATIONS OF HUMAN RIGHTS AGAINST**
22 **LGBTI PEOPLE.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act and biannually there-
25 after, the President shall transmit to the appropriate con-

1 gressional committees a list of each foreign person that
2 the President determines, based on credible information
3 including information obtained by other countries or by
4 nongovernmental organizations that monitor violations of
5 human rights—

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

9 (A) cruel, inhuman, or degrading treat-
10 ment or punishment;

11 (B) prolonged detention without charges
12 and trial;

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

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

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

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

24 (b) FORM; UPDATES; REMOVAL.—

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

11 (A) determines that—

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

14 (ii) the use of such annex, and the in-
15 clusion of such person in such annex,
16 would not undermine the overall purpose of
17 this section to publicly identify foreign per-
18 sons engaging in the conduct described in
19 subsection (a)(1) in order to increase ac-
20 countability for such conduct; and

21 (B) not later than 15 days before including
22 such person in a classified annex, provides to
23 the appropriate congressional committees notice
24 of, and a justification for, including or con-
25 tinuing to include each foreign person in the

1 classified annex despite the existence of any
2 publicly available credible information indi-
3 cating that the foreign person engaged in an ac-
4 tivity described in paragraph (1) or (2) of sub-
5 section (a).

6 (2) UPDATES.—The President shall transmit to
7 the appropriate congressional committees an update
8 of the list required by subsection (a) as new infor-
9 mation becomes available.

10 (3) REMOVAL.—A person may be removed from
11 the list required by subsection (a) if the President
12 determines and reports to the appropriate congress-
13 sional committees not later than 15 days before the
14 removal of the person from the list that—

15 (A) credible information exists that the
16 person did not engage in the activity for which
17 the person was added to the list;

18 (B) the person has been prosecuted appro-
19 priately for the activity in which the person en-
20 gaged; or

21 (C) the person has credibly demonstrated a
22 significant change in behavior, has paid an ap-
23 propriate consequence for the activities in which
24 the person engaged, and has credibly committed

1 to not engage in an activity described in para-
2 graph (1) or (2) of subsection (a).

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

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

12 (1) CONSIDERATION OF INFORMATION.—The
13 President shall also consider information provided by
14 the Chair or Ranking Member of each of the appro-
15 priate congressional committees in determining
16 whether to include a foreign person on the list re-
17 quired by subsection (a).

18 (2) REQUESTS.—Not later than 120 days after
19 receiving a written request from the Chair or Rank-
20 ing Member of one of the appropriate congressional
21 committees with respect to whether a foreign person
22 meets the criteria for being added to the list re-
23 quired by subsection (a), the President shall trans-
24 mit a response to that Chair or Ranking Member, as

1 the case may be, with respect to the President's de-
2 termination relating to such foreign person.

3 (3) REMOVAL.—If the President removes from
4 the list required by subsection (a) a person that had
5 been placed on the list pursuant to a request under
6 paragraph (2), the President shall provide to the rel-
7 evant Chair or Ranking Member any information
8 that contributed to such decision.

9 (4) FORM.—The President may transmit a re-
10 sponse required by paragraph (2) or paragraph (3)
11 in classified form if the President determines that it
12 is necessary for the national security interests of the
13 United States to do so.

14 (e) INELIGIBILITY FOR VISAS AND ADMISSION TO
15 THE UNITED STATES.—An individual who is a foreign
16 person on the list required by subsection (a) is ineligible
17 to receive a visa to enter the United States and ineligible
18 to be admitted to the United States.

19 (f) CURRENT VISAS REVOKED AND REMOVAL FROM
20 UNITED STATES.—

21 (1) IN GENERAL.—The Secretary of State shall
22 revoke, in accordance with section 221(i) of the Im-
23 migration and Nationality Act (8 U.S.C. 1201(i)),
24 the visa or other documentation of an individual who
25 would be ineligible to receive such a visa or docu-

1 mentation under subsection (e), and the Secretary of
2 Homeland Security shall remove from the United
3 States such an individual.

4 (2) REGULATIONS REQUIRED.—Not later than
5 180 days after the date of the enactment of this Act,
6 the Secretary of State and the Secretary of Home-
7 land Security shall prescribe such regulations as are
8 necessary to carry out this subsection.

9 (g) SENSE OF CONGRESS WITH RESPECT TO ADDI-
10 TIONAL SANCTIONS.—It is the sense of Congress that the
11 President should impose additional targeted sanctions
12 with respect to foreign persons on the list required by sub-
13 section (a) to push for accountability for flagrant denials
14 of the right to life, liberty, or the security of the person,
15 through the use of designations and targeted sanctions
16 provided for such conduct under other existing authorities.

17 (h) WAIVERS IN THE INTEREST OF NATIONAL SECU-
18 RITY.—

19 (1) IN GENERAL.—The President may waive
20 the application of subsection (e), (f), or (g) with re-
21 spect to a person if the President determines and
22 submits to the appropriate congressional committees
23 notice and justification, that such a waiver—

24 (A) is necessary to permit the United
25 States to comply with the Agreement between

1 the United Nations and the United States of
2 America regarding the Headquarters of the
3 United Nations, signed June 26, 1947, and en-
4 tered into force November 21, 1947, or other
5 applicable international obligations of the
6 United States; or

7 (B) is in the national security interests of
8 the United States.

9 (2) TIMING OF CERTAIN WAIVERS.—A waiver
10 pursuant to a determination under subparagraph
11 (B) of paragraph (1) shall be submitted not later
12 than 15 days before the granting of such waiver.

13 (i) REPORT REQUIRED.—Not later than one year
14 after the date of the enactment of this Act and annually
15 thereafter, the President, acting through the Secretary of
16 State, shall submit to the appropriate congressional com-
17 mittees a report on—

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

20 (A) the number of foreign persons added
21 to or removed from the list required by sub-
22 section (a) during the year preceding each re-
23 port, the dates on which those persons were
24 added or removed, and the reasons for adding
25 or removing those persons; and

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

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

8 (j) FOREIGN PERSONS.—In this section, the term
9 “foreign person” means—

10 (1) any citizen or national of a foreign country
11 (including any such individual who is also a citizen
12 or national of the United States), including leaders
13 or officials of governmental entities of a foreign
14 country; or

15 (2) any entity not organized solely under the
16 laws of the United States or existing solely in the
17 United States, including governmental entities of a
18 foreign country.

19 (k) EXCLUSION FOR PERSECUTION OF LGBTI INDI-
20 VIDUALS.—Section 212(a)(2) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1182(a)(2)) is amended by adding
22 at the end the following new subparagraph:

23 “(J) HUMAN RIGHTS VIOLATORS.—Any
24 alien who, while serving as an official of a for-
25 eign government, was responsible for or directly

1 carried out serious violations of the human
2 rights of LGBTI individuals or targeting
3 LGBTI people, is inadmissible.”.

4 **SEC. 5. COMBATING INTERNATIONAL CRIMINALIZATION OF**
5 **LGBTI STATUS, EXPRESSION, OR CONDUCT.**

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

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

18 (1) An examination of the full range of criminal
19 and civil laws of other countries that disproportion-
20 ately impact communities of LGBTI individuals or
21 apply with respect to the conduct of LGBTI individ-
22 uals.

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

1 (A) the Attorney General, acting through
2 the Office of Overseas Prosecutorial Develop-
3 ment Assistance and Training of the Depart-
4 ment of Justice, shall prioritize programs seek-
5 ing to—

6 (i) decriminalize the status, expres-
7 sion, and conduct of LGBTI individuals;

8 (ii) monitor the trials of those pros-
9 ecuted because of such status, expression,
10 or conduct; and

11 (iii) reform related laws having a dis-
12 criminatory impact on LGBTI individuals;
13 and

14 (B) applicable speaker or exchange pro-
15 grams sponsored by the United States Govern-
16 ment shall bring together civil society and gov-
17 ernmental leaders to promote the recognition of
18 LGBTI rights through educational exchanges in
19 the United States and support better under-
20 standing of the role that governments and civil
21 societies mutually play in assurance of equal
22 treatment of LGBTI populations abroad.

23 **SEC. 6. FOREIGN ASSISTANCE TO PROTECT HUMAN RIGHTS**
24 **OF LGBTI PEOPLE.**

25 (a) GLOBAL EQUALITY FUND.—

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

11 (A) Ensuring the freedoms of assembly,
12 association, and expression.

13 (B) Protecting persons or groups against
14 the threat of violence, including medically un-
15 necessary interventions performed on intersex
16 infants.

17 (C) Advocating against laws that crim-
18 inalize LGBTI status, expression, or conduct or
19 discriminate against individuals on the basis of
20 sexual orientation, gender identity, or sex char-
21 acteristics.

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

1 (E) Building community awareness and
2 support for the human rights of LGBTI per-
3 sons.

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

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

16 (b) LGBTI GLOBAL DEVELOPMENT PARTNER-
17 SHIP.—The Administrator of the United States Agency
18 for International Development, in consultation with the
19 Secretary of State, shall establish a partnership, to be
20 known as the “LGBTI Global Development Partnership”,
21 to leverage the financial and technical contributions of cor-
22 porations, bilateral donors, foundations, nongovernmental
23 organizations, and universities to support the human
24 rights and development of LGBTI persons around the

1 world by supporting programs, projects, and activities for
2 the following purposes:

3 (1) To strengthen the capacity of LGBTI lead-
4 ers and civil society organizations.

5 (2) To train LGBTI leaders to effectively par-
6 ticipate in democratic processes and lead civil insti-
7 tutions.

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

10 (4) To promote economic empowerment through
11 enhanced LGBTI entrepreneurship and business de-
12 velopment.

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

20 (d) REPORT.—The Secretary of State shall submit to
21 the appropriate congressional committees an annual re-
22 port on the work of, successes obtained, and challenges
23 faced by the Global Equality Fund and the LGBTI Global
24 Development Partnership established in accordance with
25 this section.

1 (e) 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 provide to the appropriate congressional
3 committees a quarterly report on the methods by
4 which the Department monitors compliance with the
5 requirement in paragraph (1)(A).

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 LGBTI people in
12 accordance with the goals described in section 6(e), includ-
13 ing by requiring all partner entities receiving assistance
14 through PEPFAR to receive training on the health needs
15 of and human rights standards relating to LGBTI people,
16 and shall promptly notify Congress of any obstacles en-
17 countered by a foreign government or contractor, grantee,
18 or implementing partner in the effort to equitably imple-
19 ment PEPFAR as described in such subsection, including
20 any remedial steps taken by the Coordinator to overcome
21 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 LGBTI people and sex workers, using quali-
16 tative and quantitative data.

17 (d) REMOVING LIMITATIONS ON ELIGIBILITY FOR
18 FOREIGN ASSISTANCE.—

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

24 (A) shall not be ineligible for such assist-
25 ance solely on the basis of health or medical

1 services, including counseling and referral serv-
2 ices, provided by such organizations solely using
3 funds not provided by the United States Gov-
4 ernment, if such services do not violate the laws
5 of the country in which they are being provided
6 and would not violate Federal law if provided in
7 the United States; and

8 (B) shall not be subject to requirements
9 relating to advocacy and lobbying activities with
10 respect to funds not provided by the United
11 States Government, other than requirements re-
12 lating to such activities that also apply to
13 United States nongovernmental organizations
14 receiving assistance authorized under such part
15 I.

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

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

21 and

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

24 (3) CONFORMING AMENDMENTS TO THE ALLO-
25 CATION OF FUNDS BY THE GLOBAL AIDS COORDI-

1 NATOR.—Section 403(a) of the United States Lead-
2 ership Against HIV/AIDS, Tuberculosis, and Ma-
3 laria Act of 2003 (22 U.S.C. 7673(a)) is amended—

4 (A) in paragraph (1)—

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

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

10 (iii) by striking subparagraph (B);

11 and

12 (B) in paragraph (2)—

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

18 (ii) by striking subparagraph (B).

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

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

24 (B) by redesignating subsections (h) and

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

1 **SEC. 8. IMMIGRATION REFORM.**

2 (a) REFUGEES AND ASYLUM SEEKERS.—

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

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

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

25 (3) ASYLUM FILING DEADLINE REPEAL.—

1 (A) IN GENERAL.—Section 208(a)(2)(B) of
2 the Immigration and Nationality Act (8 U.S.C.
3 1158(a)(2)(B)) is repealed.

4 (B) CONFORMING AMENDMENTS.—Section
5 208(a)(2) of the Immigration and Nationality
6 Act (8 U.S.C. 1158(a)(2)) is amended—

7 (i) in subparagraph (D)—

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

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

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

19 (ii) in subparagraph (E), by striking
20 “Subparagraphs (A) and (B)” and insert-
21 ing “Subparagraph (A)”.

22 (C) APPLICATION.—The amendments
23 made by this paragraph shall apply to applica-
24 tions for asylum filed before, on, or after the
25 date of the enactment of this Act.

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

4 (1) in paragraph (35), by inserting “includes
5 any permanent partner, but” before “does not in-
6 clude”; and

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

8 “(53) The term ‘marriage’ includes a permanent
9 partnership.

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

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

15 “(B) is financially interdependent with the
16 other individual;

17 “(C) is not married to anyone other than the
18 other individual;

19 “(D) is a national of or, in the case of a person
20 having no nationality, last habitually resided in a
21 country that prohibits marriage between the individ-
22 uals; and

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

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

3 (c) COUNSEL.—

4 (1) APPOINTMENT OF COUNSEL.—Section
5 240(b)(4) of the Immigration and Nationality Act (8
6 U.S.C. 1229a(b)(4)) is amended—

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

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

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

12 “(D) notwithstanding subparagraph (A), in
13 a case in which an indigent alien requests rep-
14 resentation, such representation shall be ap-
15 pointed by the court, at the expense of the Gov-
16 ernment, for such proceedings.”.

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

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

21 (B) by striking “he” and inserting “the
22 person”; and

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

24 “(b) Notwithstanding subsection (a), in a case in
25 which an indigent alien requests representation, such rep-

1 representation shall be appointed by the court, at the expense
2 of the Government, for the proceedings described in sub-
3 section (a).

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

9 (d) REFUGEE ADMISSIONS OF LGBTI ALIENS FROM
10 CERTAIN COUNTRIES.—

11 (1) IN GENERAL.—In the case of aliens who are
12 nationals of or, in the case of aliens having no na-
13 tionality, last habitually resided in a country that
14 fails to protect against persecution on the basis of
15 sexual orientation or gender identity and who share
16 common characteristics that identify them as targets
17 of persecution on account of sexual orientation or
18 gender identity, such aliens are eligible for Priority
19 2 processing under the refugee resettlement priority
20 system.

21 (2) RESETTLEMENT PROCESSING.—

22 (A) IN GENERAL.—In a case in which a
23 refugee admitted under section 207 of the Im-
24 migration and Nationality Act discloses to an
25 employee or contractor of the Bureau of Popu-

1 lation, Refugees, and Migration information
2 with respect to the refugee’s sexual orientation
3 or gender identity, the Secretary of State shall,
4 with the refugee’s consent, provide such infor-
5 mation to the appropriate national resettlement
6 agency to prevent the refugee from being placed
7 in a community in which the refugee is likely to
8 face continued discrimination and to place the
9 refugee in a community that offers services to
10 meet the needs of the refugee.

11 (B) NATIONAL RESETTLEMENT AGENCIES
12 DEFINED.—The term “national resettlement
13 agency” means an agency contracting with the
14 Department of State to provide sponsorship and
15 initial resettlement services to refugees entering
16 the United States.

17 (e) TRAINING PROGRAM.—

18 (1) TRAINING PROGRAM.—In order to create an
19 environment in which an alien may safely disclose
20 such alien’s sexual orientation or gender identity,
21 the Secretary of Homeland Security shall establish,
22 in consultation with the Secretary of State, a train-
23 ing program for staff and translators who partici-
24 pate in the interview process of aliens seeking asy-
25 lum or status as a refugee.

1 (2) COMPONENTS OF TRAINING PROGRAM.—

2 The training program described in paragraph (1)
3 shall include instruction on—

4 (A) appropriate word choice and word
5 usage;

6 (B) creating safe spaces and facilities for
7 LGBTI aliens;

8 (C) confidentiality requirements; and

9 (D) nondiscrimination policies.

10 (f) LIMITATION ON DETENTION.—

11 (1) PRESUMPTION OF RELEASE.—

12 (A) IN GENERAL.—Notwithstanding any
13 other provision of law and except as provided in
14 subparagraphs (B) and (C), the Secretary of
15 Homeland Security—

16 (i) may not detain an alien who is a
17 member of a vulnerable group under any
18 provision of the Immigration and Nation-
19 ality Act (8 U.S.C. 1101 et seq.) pending
20 a decision with respect to whether the alien
21 is to be removed from the United States;
22 and

23 (ii) shall immediately release any de-
24 tained alien who is a member of a vulner-
25 able group.

1 (B) EXCEPTIONS.—The Secretary of
2 Homeland Security may detain, pursuant to the
3 Immigration and Nationality Act (8 U.S.C.
4 1101 et seq.), an alien who is a member of a
5 vulnerable group if the Secretary makes a de-
6 termination, using credible and individualized
7 information, that the use of alternatives to de-
8 tention will not reasonably assure the appear-
9 ance of the alien at removal proceedings, or
10 that the alien is a threat to another person or
11 the community. The fact that an alien has a
12 criminal charge pending against the alien may
13 not be the sole factor to justify the detention of
14 the alien.

15 (C) REMOVAL.—In a case in which deten-
16 tion is the least restrictive means of effec-
17 tuating the removal from the United States of
18 an alien who is a member of a vulnerable group,
19 the subject of a final order of deportation or re-
20 moval, and not detained under subparagraph
21 (B), the Secretary of Homeland Security may,
22 solely for the purpose of such removal, detain
23 the alien for a period that is—

1 (i) the shortest possible period imme-
2 diately preceding the removal of the alien
3 from the United States; and

4 (ii) not more than 5 days.

5 (2) WEEKLY REVIEW REQUIRED.—

6 (A) IN GENERAL.—With respect to an
7 alien detained under subparagraph (B) of para-
8 graph (1), not less frequently than once each
9 week, the Secretary of Homeland Security shall
10 conduct an individualized review to determine
11 whether the alien should continue to be de-
12 tained under such subparagraph.

13 (B) RELEASE.—In the case of a deter-
14 mination under subparagraph (A) that an alien
15 should not be detained under paragraph (1)(B),
16 not later than 24 hours after the date on which
17 the Secretary makes the determination, the Sec-
18 retary shall release the detainee.

19 (g) PROTECTIVE CUSTODY FOR LGBTI ALIEN DE-
20 TAINÉES.—

21 (1) DETAINEES.—An LGBTI alien who is de-
22 tained under subparagraph (B) or (C) of subsection
23 (f)(1) may not be placed in housing that is seg-
24 regated from the general population unless—

1 (A) the alien requests placement in such
2 housing for the protection of the alien; or

3 (B) the Secretary of Homeland Security
4 determines, after assessing all available alter-
5 natives, that there is no available alternative
6 means of separation from likely abusers.

7 (2) PLACEMENT FACTORS.—In a case in which
8 an LGBTI alien is placed in segregated housing pur-
9 suant to paragraph (1), the Secretary of Homeland
10 Security shall ensure that such housing—

11 (A) includes non-LGBTI aliens, to the ex-
12 tent practicable; and

13 (B) complies with any applicable court
14 order for the protection of LGBTI aliens.

15 (3) PROTECTIVE CUSTODY REQUESTS.—In a
16 case in which an LGBTI alien who is detained re-
17 quests placement in segregated housing for the pro-
18 tection of such alien, the Secretary of Homeland Se-
19 curity shall grant such request.

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

1 **SEC. 9. ENGAGING INTERNATIONAL ORGANIZATIONS IN**
2 **THE FIGHT AGAINST LGBTI DISCRIMINATION.**

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

5 (1) the United States should be a leader in ef-
6 forts by the United Nations to ensure that human
7 rights norms, development principles, and political
8 rights are fully inclusive of LGBTI people;

9 (2) United States leadership within inter-
10 national financial institutions, such as the World
11 Bank and the regional development banks, should be
12 used to ensure that the programs, projects, and ac-
13 tivities undertaken by such institutions are fully in-
14 clusive of all people, including LGBTI people; and

15 (3) the Secretary of State should seek appro-
16 priate opportunities to encourage the equal treat-
17 ment of LGBTI people during discussions with or
18 participation in the full range of regional, multilat-
19 eral, and international fora, such as the Organiza-
20 tion of American States, the Organization for Secu-
21 rity and Cooperation in Europe, the European
22 Union, the African Union, and the Association of
23 South East Asian Nations.

24 (b) ACTION THROUGH THE EQUAL RIGHTS COALI-
25 TION.—The Secretary of State shall promote diplomatic
26 coordination through the Equal Rights Coalition, estab-

1 lished in July 2016 at the Global LGBTI Human Rights
2 Conference in Montevideo, Uruguay, and other multilat-
3 eral mechanisms, to achieve the goals and outcomes de-
4 scribed in subsection (a).

5 **SEC. 10. REPRESENTING THE RIGHTS OF UNITED STATES**
6 **LGBTI CITIZENS DEPLOYED TO DIPLOMATIC**
7 **AND CONSULAR POSTS.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that, recognizing the importance of a diverse work-
10 force in the representation of the United States abroad,
11 and in support of sound personnel staffing policies, the
12 Secretary of State should—

13 (1) prioritize efforts to ensure that foreign gov-
14 ernments do not impede the assignment of United
15 States LGBTI citizens and their families to diplo-
16 matic and consular posts; and

17 (2) open conversations with entities in the
18 United States private sector that engage in business
19 in other countries to the extent necessary to address
20 any visa issues faced by such private sector entities
21 with respect to their LGBTI employees.

22 (b) REMEDIES FOR FAMILY VISA DENIAL.—

23 (1) IN GENERAL.—The Secretary of State shall
24 use all appropriate diplomatic efforts to ensure that
25 the families of LGBTI employees of the Department

1 are issued visas from countries where such employ-
2 ees are posted.

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

6 (A) a classified list of each country that
7 has refused to grant accreditation to LGBTI
8 employees of the Department or their family
9 members in the prior two years; and

10 (B) the actions taken or intended to be
11 taken by the Secretary, in accordance with
12 paragraph (1), to ensure that LGBTI employ-
13 ees are appointed to appropriate positions in ac-
14 cordance with diplomatic needs and personnel
15 qualifications, including actions specifically re-
16 lating to securing the accreditation of the fami-
17 lies of such employees by relevant countries.

18 **SEC. 11. DEFINITIONS.**

19 In this Act:

20 (1) LGBTI.—The term “LGBTI” means les-
21 bian, gay, bisexual, transgender, or intersex.

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

1 (A) the Committee on Foreign Affairs, the
2 Committee on the Judiciary, and the Com-
3 mittee on Appropriations of the House of Rep-
4 resentatives; and

5 (B) the Committee on Foreign Relations,
6 the Committee on the Judiciary, and the Com-
7 mittee on Appropriations of the Senate.

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

11 (A) is under 21 years of age or over 60
12 years of age;

13 (B) is pregnant;

14 (C) identifies as lesbian, gay, bisexual,
15 transgender, or intersex;

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

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

19 (F) has a serious mental or physical illness
20 or disability;

21 (G) has been determined by an asylum of-
22 ficer in an interview conducted under section
23 235(b)(1)(B) to have a credible fear of persecu-
24 tion; or

1 (H) has been determined by an immigra-
2 tion judge or the Secretary of Homeland Secu-
3 rity to be experiencing severe trauma or to be
4 a survivor of torture or gender-based violence,
5 based on information obtained during intake,
6 from the alien's attorney or legal service pro-
7 vider, or through credible self-reporting.

○