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

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2023

Mr. MARKEY (for himself, Mrs. SHAHEEN, Mr. MERKLEY, Mr. KAINE, Mr. PADILLA, Ms. STABENOW, Mr. MURPHY, Mr. SCHATZ, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

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

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

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

4 (a) SHORT TITLES.—This Act may be cited as the
5 “Greater Leadership Overseas for the Benefit of Equality
6 Act of 2023” or the “GLOBE Act of 2023”.

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

- Sec. 1. Short titles; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

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

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

10 (2) In at least 67 countries (almost 35 percent
 11 of the countries in the world), same-sex relations
 12 and relationships are criminalized. Many countries
 13 also criminalize or otherwise prohibit cross-dressing
 14 and gender-affirming treatments for transgender in-
 15 dividuals.

16 (3) The World Bank has begun to measure the
 17 macro-economic costs of criminal laws targeting
 18 LGBTQI individuals through lost productivity, detri-

1 mental health outcomes and violence, as a step to-
2 ward mitigating those costs.

3 (4) Violence and discrimination based on sexual
4 orientation and gender identity are documented in
5 the Department of State's annual Country Reports
6 on Human Rights Practices, which show a clear pat-
7 tern of human rights violations, including murder,
8 rape, torture, death threats, extortion, and imprison-
9 ment, in every region of the world based on sexual
10 orientation and gender identity. In many instances,
11 police, prison, military, and civilian government au-
12 thorities have been directly complicit in abuses
13 aimed at LGBTQI citizens.

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

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

24 (7) Anti-LGBTQI laws and discrimination pose
25 significant risks for LGBTQI youth who come out to

1 their family or community and often face rejection,
2 homelessness, and limited educational and economic
3 opportunities. These factors contribute to increased
4 risks of substance abuse, suicide, and HIV infection
5 among LGBTQI youth.

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

11 (9) LGBTQI populations are disproportionately
12 impacted by the Mexico City Policy, which is widely
13 referred to as the “global gag rule”. The global gag
14 rule prohibits foreign organizations receiving health
15 assistance from the United States from providing in-
16 formation, referrals, or services for legal abortion or
17 advocating for access to abortion services in their
18 country, even if an organization is using its own
19 money for such activities. LGBTQI people often re-
20 ceive much of their health care through reproductive
21 health clinics, and organizations that cannot comply
22 with the policy are forced to discontinue work on
23 United States-supported global health projects that
24 are frequently used by LGBTQI populations, includ-

1 ing HIV prevention and treatment, stigma reduc-
2 tion, and research.

3 (10) Because LGBTQI individuals face tremen-
4 dous discrimination in the formal labor sector, many
5 become sex workers. Many sex-worker-led programs
6 and clinics serve the LGBTQI community with safe,
7 non-stigmatizing, medical and social care. The anti-
8 prostitution loyalty oath that health care providers
9 receiving United States assistance must take isolates
10 sex-worker-led and serving groups from health care
11 programs and reinforces stigma, undermining both
12 the global AIDS response and human rights. A 2013
13 Supreme Court opinion held this requirement to be
14 unconstitutional as it applies to United States non-
15 governmental organizations.

16 (11) According to the Trans Murder Monitoring
17 Project, which monitors homicides of transgender in-
18 dividuals worldwide, there were at least 327 cases of
19 reported killings of trans and gender-diverse people
20 between October 1, 2021, and September 30, 2022.

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

1 in infancy without the consent or approval of
2 intersex individuals, in violation of international
3 human rights standards.

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

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

22 (15) In December 2011, President Barack
23 Obama released the “Presidential Memorandum—
24 International Initiatives to Advance the Human
25 Rights of Lesbian, Gay, Bisexual, and Transgender

1 Persons”, which directed all Federal foreign affairs
2 agencies to ensure that their diplomatic, humani-
3 tarian, health and foreign assistance programs take
4 into account the needs of marginalized LGBTQI
5 communities and persons.

6 (16) In 2015, the Department of State estab-
7 lished the position of Special Envoy for the Human
8 Rights of Lesbian, Gay, Bisexual, Transgender, and
9 Intersex (LGBTI) Persons. The position was left va-
10 cant during the Trump Administration, but Presi-
11 dent Biden appointed a new United States Special
12 Envoy to Advance the Human Rights of Lesbian,
13 Gay, Bisexual, Transgender, Queer and Intersex
14 (LGBTQI+) Persons in 2021.

15 (17) In February 2021, President Joseph Biden
16 issued the Memorandum on Advancing the Human
17 Rights of Lesbian, Gay, Bisexual, Transgender,
18 Queer, and Intersex Persons Around the World,
19 which stated that it “shall be the policy of the
20 United States to pursue an end to violence and dis-
21 crimination on the basis of sexual orientation, gen-
22 der identity or expression, or sex characteristics”,
23 and called for United States global leadership “in
24 the cause of advancing the human rights of
25 LGBTQI+ persons around the world.”

1 (18) In 2020, in *Bostock v. Clayton County*,
2 the Supreme Court held that Title VII of the Civil
3 Rights Act of 1964 (42 U.S.C. 2000e et seq.) pro-
4 hibits discrimination on the basis of gender identity
5 and sexual orientation. On January 20, 2021, Presi-
6 dent Biden issued Executive Order 13988 (86 Fed.
7 Reg. 7023; relating to preventing and combating dis-
8 crimination on the basis of sexual orientation or gen-
9 der identity) to enforce this holding, which orders all
10 Federal agency heads, including the Secretary of
11 State and the Administrator of the United States
12 Agency for International Development, to review
13 agency actions to determine what additional steps
14 should be taken to ensure that agency policies are
15 consistent with the nondiscrimination policy set
16 forth in Executive Order 13988.

17 (19) The use of United States diplomatic tools,
18 including the Department of State’s exchange and
19 speaker programs, to address the human rights
20 needs of marginalized communities has helped in-
21 form public debates in many countries regarding the
22 protective responsibilities of any democratic govern-
23 ment.

24 (20) Inclusion of human rights protections for
25 LGBTQI individuals in United States trade agree-

1 ments, such as the Agreement between the United
2 States of America, the United Mexican States, and
3 Canada (commonly known as the “USMCA”) and
4 trade preference programs, is intended—

5 (A) to ensure a level playing field for
6 United States businesses; and

7 (B) to provide greater workplace protec-
8 tions overseas, compatible with those of the
9 United States.

10 (21) Engaging multilateral fora and inter-
11 national institutions is critical to impacting global
12 norms and to broadening global commitments to
13 fairer standards for the treatment of all people, in-
14 cluding LGBTQI people. The United States must
15 remain a leader in the United Nations system and
16 has a vested interest in the success of that multilat-
17 eral engagement.

18 (22) Ongoing United States participation in the
19 Equal Rights Coalition, which is an intergovern-
20 mental coalition of more than 40 governments and
21 leading civil society organizations that work together
22 to protect the human rights of LGBTQI people
23 around the world, remains vital to international ef-
24 forts to respond to violence committed against those
25 in the LGBTQI community with impunity.

1 (23) Those who represent the United States
2 abroad, including our diplomats, development spe-
3 cialists and military members, should reflect the di-
4 versity of our country and honor America’s call to
5 equality, including through proud and open service
6 abroad by LGBTQI Americans and those living with
7 HIV.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

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

13 (A) the Committee on Foreign Relations of
14 the Senate;

15 (B) the Committee on the Judiciary of the
16 Senate;

17 (C) the Committee on Appropriations of
18 the Senate;

19 (D) the Committee on Foreign Affairs of
20 the House of Representatives;

21 (E) the Committee on the Judiciary of the
22 House of Representatives; and

23 (F) the Committee on Appropriations of
24 the House of Representatives.

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

6 (3) LGBTQI.—The term “LGBTQI” means
7 lesbian, gay, bisexual, transgender, queer, or
8 intersex.

9 (4) MEMBER OF A VULNERABLE GROUP.—The
10 term “member of a vulnerable group” means an
11 alien who—

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

14 (B) is pregnant;

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

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

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

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

22 (G) has been determined by an asylum of-
23 ficer in an interview conducted under section
24 235(b)(1)(B) of the Immigration and Nation-

1 ality Act (8 U.S.C. 1225(b)(1)(B)) to have a
2 credible fear of persecution; or

3 (H) has been determined by an immigra-
4 tion judge or by the Secretary of Homeland Se-
5 curity, based on information obtained during in-
6 take, from the alien’s attorney or legal service
7 provider, or through credible self-reporting, to
8 be—

9 (i) experiencing severe trauma; or

10 (ii) a survivor of torture or gender-
11 based violence.

12 (5) SEXUAL ORIENTATION.—The term “sexual
13 orientation” means actual or perceived homosex-
14 uality, heterosexuality, or bisexuality.

15 **SEC. 4. DOCUMENTING AND RESPONDING TO BIAS-MOTI-**
16 **VATED VIOLENCE AGAINST LGBTQI PEOPLE**
17 **ABROAD.**

18 (a) INFORMATION REQUIRED TO BE INCLUDED IN
19 ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRAC-
20 TICES.—

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

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

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

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

5 “(13) wherever applicable, the nature and ex-
 6 tent of criminalization, discrimination, and violence
 7 by state and non-state actors based on sexual ori-
 8 entation, gender identity (as such terms are defined
 9 in section 3 of the GLOBE Act of 2023), or sex
 10 characteristics, including the identification of coun-
 11 tries that have adopted laws or constitutional provi-
 12 sions that criminalize or discriminate based on sex-
 13 ual orientation, gender identity, or sex characteris-
 14 tics, including descriptions of such laws and provi-
 15 sions.”.

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

19 (A) by redesignating the second subsection

20 (i) (relating to child marriage status) as sub-
 21 section (j); and

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

23 “(k) SEXUAL ORIENTATION, GENDER IDENTITY,
 24 AND SEX CHARACTERISTICS.—The report required under
 25 subsection (b) shall include, wherever applicable, the na-

1 ture and extent of criminalization, discrimination, and vio-
2 lence by state and non-state actors based on sexual ori-
3 entation or gender identity (as such terms are defined in
4 section 3 of the GLOBE Act of 2023), or sex characteris-
5 ties, including the identification of countries that have
6 adopted laws or constitutional provisions that criminalize
7 or discriminate based on sexual orientation, gender iden-
8 tity, or sex characteristics, including descriptions of such
9 laws and provisions.”.

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

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

18 (A) incidents of violence against LGBTQI
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; and

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 of State shall include in the regular
6 strategic plans of the Department of State’s regional
7 bureaus concrete diplomatic strategies, programs,
8 and policies to address bias-motivated violence using
9 information obtained pursuant to paragraph (1),
10 such as programs to build capacity among civil soci-
11 ety or governmental entities to document, inves-
12 tigate, and prosecute instances of such violence and
13 provide support to victims of such violence.

14 (c) INTERAGENCY GROUP.—

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

19 (A) shall be chaired by the Secretary of
20 State; and

21 (B) shall include the Secretary of Defense,
22 the Secretary of the Treasury, the Adminis-
23 trator of the United States Agency for Inter-
24 national Development, the Attorney General,
25 and the head of each other Federal department

1 or agency that the President determines is rel-
2 evant to the duties of the interagency group.

3 (2) DUTIES.—The duties of the interagency
4 group shall be—

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

9 (B) to develop longer-term approaches to
10 policy developments and incidents negatively
11 impacting the LGBTQI populations in specific
12 countries;

13 (C) to advise the President on the designa-
14 tion of foreign persons for sanctions pursuant
15 to section 5;

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

20 (E) to use such identified laws and policies
21 to develop diplomatic strategies to share the ex-
22 pertise obtained from the implementation of
23 such laws and policies with appropriate officials
24 of countries where LGBTQI persons do not
25 enjoy equal protection under the law.

1 (d) SPECIAL ENVOY FOR THE HUMAN RIGHTS OF
2 LGBTQI PEOPLES.—

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

9 (A) shall be appointed by the President;

10 and

11 (B) shall report directly to the Assistant
12 Secretary for Democracy, Human Rights, and
13 Labor.

14 (2) RANK.—The Special Envoy may be ap-
15 pointed at the rank of Ambassador, by and with the
16 advice and consent of the Senate.

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

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

22 (i) human rights abuses against
23 LGBTQI people and communities inter-
24 nationally; and

1 (ii) the advancement of human rights
2 for LGBTQI people; and

3 (B) represent the United States inter-
4 nationally in bilateral and multilateral engage-
5 ment on the matters described in subparagraph
6 (A).

7 (4) DUTIES.—

8 (A) IN GENERAL.—The Special Envoy—

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

12 (ii) notwithstanding any other provi-
13 sion of law—

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

21 (II) shall lead the coordination of
22 relevant international programs for all
23 other Federal agencies relating to
24 such matters;

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

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

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

23 (vi) shall lead interagency coordina-
24 tion between the foreign policy priorities
25 related to the human rights of LGBTQI

1 people and the development assistance pri-
2 orities of the LGBTQI Coordinator of the
3 United States Agency for International
4 Development;

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

10 (viii) is authorized to represent the
11 United States in bilateral and multilateral
12 fora on matters relevant to the human
13 rights of LGBTQI people internationally,
14 including criminalization, discrimination,
15 and violence against LGBTQI people inter-
16 nationally.

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

1 (f) SENIOR LGBTQI COORDINATOR.—The Adminis-
2 trator of the United States Agency for International De-
3 velopment shall establish a permanent Senior LGBTQI
4 Coordinator who shall be appointed by the Administrator
5 and will coordinate across the agency with respect to
6 LGBTQI inclusive development programming.

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

10 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

10 (3) IMMEDIATE FAMILY MEMBER.—The term
11 “immediate family member” has the meaning given
12 such term for purposes of section 7031(e) of the De-
13 partment of State, Foreign Operations, and Related
14 Programs Appropriations Act, 2023 (division K of
15 Public Law 117–328).

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

20 (b) IN GENERAL.—Not later than 180 days after the
21 date of the enactment of this Act and biannually there-
22 after, the President shall submit to the appropriate con-
23 gressional committees a list of each foreign person the
24 President determines, based on credible information, in-
25 cluding information obtained by other countries or by non-

1 governmental organizations that monitor violations of
2 human rights—

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

6 (A) torture or cruel, inhuman, or degrad-
7 ing treatment or punishment;

8 (B) prolonged detention without charges
9 and trial;

10 (C) causing the disappearance of such per-
11 sons by the abduction and clandestine detention
12 of such persons; or

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

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

18 (c) FORM; UPDATES; REMOVAL.—

19 (1) FORM.—The list required under subsection
20 (b) shall be submitted in unclassified form and pub-
21 lished in the Federal Register without regard to the
22 requirements of section 222(f) of the Immigration
23 and Nationality Act (8 U.S.C. 1202(f)) with respect
24 to confidentiality of records pertaining to the
25 issuance or refusal of visas or permits to enter the

1 United States, except that the President may include
2 a foreign person in a classified, unpublished annex
3 to such list if the President—

4 (A) determines that—

5 (i) such annex is vital for the national
6 security interests of the United States; and

7 (ii) the use of such annex, and the in-
8 clusion of such person in such annex,
9 would not undermine the overall purpose of
10 this section to publicly identify foreign per-
11 sons engaging in the conduct described in
12 subsection (b) in order to increase account-
13 ability for such conduct; and

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

23 (2) UPDATES.—The President shall submit to
24 the appropriate congressional committees an update

1 of the list required under subsection (b) as new in-
2 formation becomes available.

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

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

12 (B) such person has been prosecuted ap-
13 propriately for the activity in which such person
14 engaged;

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

21 (D) removal from such list is in the vital
22 national security interests of the United States.

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

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

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

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

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

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

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

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

10 (f) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

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

15 (A) inadmissible to the United States;

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

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

22 (2) CURRENT VISAS REVOKED.—

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

1 section 221(i) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1201(i)), shall revoke any
3 visa or other entry documentation issued to a
4 foreign person on the list required under sub-
5 section (b), and any visa or other entry docu-
6 mentation issued to any immediate family mem-
7 ber of such person, regardless of when the visa
8 or other entry documentation is issued.

9 (B) EFFECT OF REVOCATION.—A revoca-
10 tion under subparagraph (A) shall—

11 (i) take effect immediately; and

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

15 (C) RULEMAKING.—Not later than 180
16 days after the date of the enactment of this
17 Act, the Secretary of State shall prescribe such
18 regulations as may be necessary to carry out
19 this subsection.

20 (3) EXCEPTIONS.—

21 (A) EXCEPTION WITH RESPECT TO NA-
22 TIONAL SECURITY.—This section shall not
23 apply with respect to—

24 (i) activities subject to the reporting
25 requirements under title V of the National

1 Security Act of 1947 (50 U.S.C. 3091 et
2 seq.); or

3 (ii) any authorized intelligence or law
4 enforcement activities of the United States.

5 (B) EXCEPTION TO COMPLY WITH INTER-
6 NATIONAL OBLIGATIONS.—Restrictions under
7 this subsection shall not apply with respect to
8 a foreign person if admitting or paroling such
9 person into the United States is necessary to
10 permit the United States to comply with the
11 Agreement regarding the Headquarters of the
12 United Nations, signed at Lake Success, June
13 26, 1947, and entered into force November 21,
14 1947, between the United Nations and the
15 United States, or other applicable international
16 obligations.

17 (C) EXCEPTION FOR CERTAIN IMMEDIATE
18 FAMILY MEMBERS.—

19 (i) IN GENERAL.—A covered indi-
20 vidual shall not be subject to sanctions
21 under this section if the President certifies
22 to the appropriate congressional commit-
23 tees, in accordance with clause (ii), that
24 such individual has a reasonable fear of
25 persecution based on—

1 (I) actual or perceived sexual ori-
2 entation, gender identity, or sex char-
3 acteristics;

4 (II) race, religion, or nationality;
5 or

6 (III) political opinion or member-
7 ship in a particular social group.

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

15 (iii) COVERED INDIVIDUAL.—In this
16 subparagraph, the term “covered indi-
17 vidual” means an individual who is an im-
18 mediate family member of a foreign person
19 on the list required under subsection (b).

20 (4) SENSE OF CONGRESS WITH RESPECT TO
21 ADDITIONAL SANCTIONS.—It is the sense of Con-
22 gress that the President should impose additional
23 targeted sanctions with respect to foreign persons on
24 the list required under subsection (b) to push for ac-
25 countability for flagrant denials of the right to life,

1 liberty, or the security of the person, through the
2 use of designations and targeted sanctions provided
3 for such conduct under other existing authorities.

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

6 (A) IN GENERAL.—The President may
7 waive the application of paragraph (1) or (2)
8 with respect to a foreign person included in the
9 list required under subsection (b) if the Presi-
10 dent determines, and submits to the appro-
11 priate congressional committees notice of, and
12 justification for, such determination, that such
13 a waiver—

14 (i) is necessary to permit the United
15 States to comply with the Agreement be-
16 tween the United Nations and the United
17 States of America regarding the Head-
18 quarters of the United Nations, signed
19 June 26, 1947, and entered into force No-
20 vember 21, 1947, or other applicable inter-
21 national obligations of the United States;
22 or

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

1 (B) TIMING OF CERTAIN WAIVERS.—A
2 waiver pursuant to a determination under sub-
3 paragraph (A)(ii) shall be submitted not later
4 than 15 days before the granting of such waiv-
5 er.

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

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

13 (A) the number of foreign persons added
14 to or removed from the list required under sub-
15 section (b) during the year immediately pre-
16 ceding each such report;

17 (B) the dates on which such persons were
18 added or removed;

19 (C) the reasons for adding or removing
20 such persons; and

21 (D) an analysis that compares increases or
22 decreases in the number of such persons added
23 or removed year-over-year and the reasons for
24 such increases or decreases;

1 (2) any efforts by the President to coordinate
2 with the governments of other countries, as appro-
3 priate, to impose restrictions that are similar to the
4 restrictions imposed pursuant to this section;

5 (3) the impact of restrictions imposed pursuant
6 to this section with respect to altering the behavior
7 of each of the foreign persons included, as of the
8 date of submission of the report, in the list required
9 under subsection (b); and

10 (4) steps the Department could take to improve
11 coordination with foreign governments, civil society
12 groups, and the private sector, to prevent the com-
13 mission of the human rights violations described in
14 subsection (b)(1) against persons based on actual or
15 perceived sexual orientation, gender identity, or sex
16 characteristics.

17 **SEC. 6. COMBATING INTERNATIONAL CRIMINALIZATION OF**
18 **LGBTQI STATUS, EXPRESSION, OR CONDUCT.**

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

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

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

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

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

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

16 (2) in consultation with the Attorney General,
17 a list of countries in each geographic region with re-
18 spect to which—

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

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

1 (ii) to monitor the trials of those prosecuted because of such status, expression,
2 or conduct; and

3 (iii) to reform related laws having a
4 discriminatory impact on LGBTQI individuals;
5

6 (B) applicable speaker or exchange programs sponsored by the United States Government shall bring together civil society and governmental leaders—
7
8
9
10

11 (i) to promote the recognition of
12 LGBTQI rights through educational exchanges in the United States; and
13

14 (ii) to support better understanding of
15 the role that governments and civil societies mutually play in assurance of equal
16 treatment of LGBTQI populations abroad.
17

18 **SEC. 7. FOREIGN ASSISTANCE TO PROTECT HUMAN RIGHTS**
19 **OF LGBTQI PEOPLE.**

20 (a) SENSE OF CONGRESS.—It is the sense of Congress that the full implementation of Executive Order
21 13988 (86 Fed. Reg. 7023; January 20, 2021) and the
22 holding in *Bostock v. Clayton County* requires that United
23 States foreign assistance and development organizations
24 adopt the policy that no contractor, grantee, or imple-

1 mentoring partner administering United States assistance
2 for any humanitarian, development, or global health pro-
3 grams may discriminate against any employee or applicant
4 for employment because of their sexual orientation or gen-
5 der identity.

6 (b) GLOBAL EQUALITY FUND.—

7 (1) IN GENERAL.—The Secretary of State shall
8 establish a trust fund, to be known as the “Global
9 Equality Fund”, to be managed by the Assistant
10 Secretary of the Bureau of Democracy, Human
11 Rights and Labor, consisting of such sums as may
12 be appropriated to provide grants, emergency assist-
13 ance, and technical assistance to eligible civil society
14 organizations and human rights defenders working
15 to advance and protect human rights for all, includ-
16 ing LGBTQI persons, by seeking—

17 (A) to ensure the freedoms of assembly,
18 association, and expression;

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

23 (C) to advocate against laws that—

24 (i) criminalize LGBTQI status, ex-
25 pression, or conduct; or

1 (ii) discriminate against individuals on
2 the basis of sexual orientation, gender
3 identity, or sex characteristics;

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

8 (E) to build community awareness and
9 support for the human rights of LGBTQI per-
10 sons.

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

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

23 (c) LGBTQI GLOBAL DEVELOPMENT PARTNER-
24 SHIP.—The Administrator of the United States Agency
25 for International Development, in consultation with the

1 Secretary of State, shall establish a partnership, to be
2 known as the “LGBTQI Global Development Partner-
3 ship”, to leverage the financial and technical contributions
4 of corporations, bilateral donors, foundations, nongovern-
5 mental organizations, and universities to support the
6 human rights and development of LGBTQI persons
7 around the world by supporting programs, projects, and
8 activities—

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

11 (2) to train LGBTQI leaders to effectively par-
12 ticipate in democratic processes and lead civil insti-
13 tutions;

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

16 (4) to promote inclusive development, including
17 economic empowerment through enhanced LGBTQI
18 entrepreneurship and business development.

19 (d) CONSULTATION.—In coordinating programs,
20 projects, and activities through the Global Equality Fund
21 or the Global Development Partnership, the Secretary of
22 State and the Administrator of the United States Agency
23 for International Development shall regularly consult to-
24 gether and with the heads of other relevant Federal de-
25 partments and agencies.

1 (e) REPORT.—The Secretary of State shall submit to
2 the appropriate congressional committees an annual re-
3 port on the work of, successes obtained, and challenges
4 faced by the Global Equality Fund and the LGBTQI Glob-
5 al Development Partnership established in accordance
6 with this section.

7 (f) LIMITATION ON ASSISTANCE RELATING TO
8 EQUAL ACCESS.—

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

15 (A) ensures that the program, project, or
16 activity funded by such amounts are made
17 available to all appropriate elements of the pop-
18 ulation, except to the extent that such program,
19 project, or activity targets a population because
20 of the higher assessed risk of negative outcomes
21 among such populations;

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

1 (C) agrees to return all amounts awarded
2 or otherwise provided by the United States, in-
3 cluding such additional penalties as the Sec-
4 retary of State may determine to be appro-
5 priate, if the recipient is not able to adhere to
6 the requirement described in subparagraph (A).

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

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

15 (1) monitor the amount of foreign assistance
16 obligated and expended on programs, projects, and
17 activities relating to LGBTQI people; and

18 (2) provide the results of the indicators track-
19 ing such expenditure, upon request, to the Organiza-
20 tion for Economic Co-Operation and Development.

21 **SEC. 8. GLOBAL HEALTH INCLUSIVITY.**

22 (a) IN GENERAL.—The Coordinator of United States
23 Government Activities to Combat HIV/AIDS Globally
24 shall—

1 (1) develop mechanisms to ensure that the
2 President’s Emergency Plan for AIDS Relief
3 (PEPFAR) is implemented in a way that equitably
4 serves LGBTQI people in accordance with the goals
5 described in section 7(f), including by requiring all
6 partner entities receiving assistance through
7 PEPFAR to receive training on the health needs of
8 and human rights standards relating to LGBTQI
9 people; and

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

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

1 individuals in other countries in order to enforce domestic
2 laws criminalizing sex work or consensual sexual activity.

3 (c) REPORT ON HIV/AIDS-RELATED INDEX TEST-
4 ING.—Not later than 180 days after the date of the enact-
5 ment of this Act, the Coordinator shall submit a report
6 to the appropriate congressional committees that describes
7 the impact of partner notification services and index test-
8 ing on treatment adherence, intimate partner violence, and
9 exposure to the criminal justice system for key popu-
10 lations, including LGBTQI people and sex workers, using
11 qualitative and quantitative data.

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

20 (e) CONFORMING AMENDMENTS.—

21 (1) PEPFAR REAUTHORIZATION.—Section 301
22 of the United States Leadership Against HIV/AIDS,
23 Tuberculosis, and Malaria Act of 2003 (22 U.S.C.
24 7631) is amended—

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

2 and

3 (B) by redesignating subsection (g) as sub-
4 section (d).

5 (2) ALLOCATION OF FUNDS BY THE GLOBAL
6 AIDS COORDINATOR.—Section 403(a) of the United
7 States Leadership Against HIV/AIDS, Tuberculosis,
8 and Malaria Act of 2003 (22 U.S.C. 7673(a)) is
9 amended—

10 (A) in paragraph (1)—

11 (i) by striking “shall—” and all that
12 follows through “(A) provide” and insert-
13 ing “shall provide”;

14 (ii) by striking “; and” at the end and
15 inserting a period; and

16 (iii) by striking subparagraph (B);

17 and

18 (B) in paragraph (2)—

19 (i) by striking “PREVENTION STRAT-
20 EGY.—” and all that follows through “In
21 carrying out paragraph (1), the” and in-
22 serting “PREVENTION STRATEGY.—The”;

23 and

24 (ii) by striking subparagraph (B).

1 (3) TVPA AUTHORIZATION.—Section 113 of
2 the Trafficking Victims Protection Act of 2000 (22
3 U.S.C. 7110) is amended—

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

5 (B) by redesignating subsections (h) and
6 (i) as subsections (g) and (h), respectively.

7 **SEC. 9. IMMIGRATION REFORM.**

8 (a) REFUGEES AND ASYLUM SEEKERS.—

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

22 (2) ANNUAL REPORT.—Section 103(e)(2) of the
23 Immigration and Nationality Act (8 U.S.C. 1103(e))
24 is amended—

1 (A) by striking “information on the num-
2 ber” and inserting the following: “information
3 on—

4 “(A) the number”; and

5 (B) by striking the period at the end and
6 inserting the following: “; and

7 “(B) the total number of applications for
8 asylum and refugee status received that are, in
9 whole or in part, based on persecution or a well-
10 founded fear of persecution on account of sex-
11 ual orientation or gender identity, and the rate
12 of approval administratively of such applica-
13 tions.”.

14 (3) ASYLUM FILING DEADLINE REPEAL.—

15 (A) IN GENERAL.—Section 208(a)(2) of
16 the Immigration and Nationality Act (8 U.S.C.
17 1158(a)(2)) is amended—

18 (i) by striking subparagraph (B);

19 (ii) by redesignating subparagraphs
20 (C), (D), and (E) as subparagraphs (B),
21 (C), and (D), respectively;

22 (iii) in subparagraph (C), as redesign-
23 nated—

24 (I) by striking “notwithstanding
25 subparagraphs (B) and (C)” and in-

1 serting “notwithstanding subpara-
2 graph (B)”;

3 (II) by striking “either”; and

4 (III) by striking “or extraor-
5 dinary circumstances relating to the
6 delay in filing an application within
7 the period specified in subparagraph
8 (B)”;

9 (iv) in subparagraph (D), as redesign-
10 nated, by striking “Subparagraphs (A) and
11 (B)” and inserting “Subparagraph (A)”.

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

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

19 (1) in paragraph (35), by inserting “includes
20 any permanent partner, but” before “does not in-
21 clude”; and

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

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

1 “(54) The term ‘permanent partner’ means an
2 individual who—

3 “(A) is 18 years of age or older;

4 “(B) is in a committed, intimate relation-
5 ship with another individual who is 18 years of
6 age or older, in which both parties intend a life-
7 long commitment;

8 “(C) is financially interdependent with the
9 other individual;

10 “(D) is not married to anyone other than
11 the other individual;

12 “(E) is a national of or, in the case of a
13 person having no nationality, last habitually re-
14 sided in a country that prohibits marriage be-
15 tween the individuals; and

16 “(F) is not a first-, second-, or third-de-
17 gree blood relation of the other individual.

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

21 (c) COUNSEL.—

22 (1) APPOINTMENT OF COUNSEL.—Section
23 240(b)(4) of the Immigration and Nationality Act (8
24 U.S.C. 1229a(b)(4)) is amended—

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

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

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

6 “(D) notwithstanding subparagraph (A), in
7 a case in which an indigent alien requests rep-
8 resentation, such representation shall be ap-
9 pointed by the court, at the expense of the Gov-
10 ernment, for such proceedings.”.

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

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

15 (B) by striking “he” and inserting “the
16 person”; and

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

18 “(b) Notwithstanding subsection (a), in a case in
19 which an indigent alien requests representation, such rep-
20 resentation shall be appointed by the court, at the expense
21 of the Government, for the proceedings described in sub-
22 section (a).

23 “(c) In an interview relating to admission under sec-
24 tion 207, an alien shall have the privilege of being rep-

1 resented (at no expense to the Government) by such coun-
2 sel as the alien may choose.”.

3 (d) REFUGEE ADMISSIONS OF LGBTQI ALIENS
4 FROM CERTAIN COUNTRIES.—

5 (1) IN GENERAL.—Aliens who are nationals of
6 or, in the case of aliens having no nationality, last
7 habitually resided in a country that fails to protect
8 against persecution on the basis of sexual orienta-
9 tion or gender identity, and who share common
10 characteristics that identify them as targets of per-
11 secution on account of sexual orientation or gender
12 identity, are eligible for Priority 2 processing under
13 the refugee resettlement priority system.

14 (2) RESETTLEMENT PROCESSING.—

15 (A) IN GENERAL.—If a refugee admitted
16 under section 207 of the Immigration and Na-
17 tionality Act (8 U.S.C. 1157) discloses informa-
18 tion to an employee or contractor of the Bureau
19 of Population, Refugees, and Migration of the
20 Department of State regarding the refugee’s
21 sexual orientation or gender identity, the Sec-
22 retary of State, with the refugee’s consent, shall
23 provide such information to the appropriate na-
24 tional resettlement agency—

1 (i) to prevent the refugee from being
2 placed in a community in which the ref-
3 ugee is likely to face continued discrimina-
4 tion; and

5 (ii) to place the refugee in a commu-
6 nity that offers services to meet the needs
7 of the refugee.

8 (B) DEFINED TERM.—The term “national
9 resettlement agency” means an agency con-
10 tracting with the Department of State to pro-
11 vide sponsorship and initial resettlement serv-
12 ices to refugees entering the United States.

13 (e) TRAINING PROGRAM.—

14 (1) TRAINING PROGRAM.—In order to create an
15 environment in which an alien may safely disclose
16 such alien’s sexual orientation or gender identity,
17 the Secretary of Homeland Security, in consultation
18 with the Secretary of State, shall establish a training
19 program for staff and translators who participate in
20 the interview process of aliens seeking asylum or sta-
21 tus as a refugee.

22 (2) COMPONENTS OF TRAINING PROGRAM.—
23 The training program described in paragraph (1)
24 shall include instruction regarding—

1 (A) appropriate word choice and word
2 usage;

3 (B) creating safe spaces and facilities for
4 LGBTQI aliens;

5 (C) confidentiality requirements; and

6 (D) nondiscrimination policies.

7 (f) LIMITATION ON DETENTION.—

8 (1) PRESUMPTION OF RELEASE.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraphs (B) and (C) and notwith-
11 standing any other provision of law, the Sec-
12 retary of Homeland Security—

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

20 (ii) shall immediately release any de-
21 tained alien who is a member of a vulner-
22 able group.

23 (B) EXCEPTIONS.—The Secretary of
24 Homeland Security may detain, pursuant to the
25 Immigration and Nationality Act (8 U.S.C.

1 1101 et seq.), an alien who is a member of a
2 vulnerable group if the Secretary makes a de-
3 termination, using credible and individualized
4 information, that the use of alternatives to de-
5 tention will not reasonably ensure the appear-
6 ance of the alien at removal proceedings, or
7 that the alien is a threat to another person or
8 to the community. The fact that an alien has a
9 criminal charge pending against the alien may
10 not be the sole factor to justify the detention of
11 the alien.

12 (C) REMOVAL.—If detention is the least
13 restrictive means of effectuating the removal
14 from the United States of an alien who is a
15 member of a vulnerable group, the subject of a
16 final order of deportation or removal, and not
17 detained under subparagraph (B), the Secretary
18 of Homeland Security may, solely for the pur-
19 pose of such removal, detain the alien for a pe-
20 riod that is—

21 (i) the shortest possible period imme-
22 diately preceding the removal of the alien
23 from the United States; and

24 (ii) not more than 5 days.

25 (2) WEEKLY REVIEW REQUIRED.—

1 (A) IN GENERAL.—Not less frequently
2 than weekly, the Secretary of Homeland Secu-
3 rity shall conduct an individualized review of
4 any alien detained pursuant to paragraph
5 (1)(B) to determine whether the alien should
6 continue to be detained under such paragraph.

7 (B) RELEASE.—Not later than 24 hours
8 after the date on which the Secretary makes a
9 determination under subparagraph (A) that an
10 alien should not be detained under paragraph
11 (1)(B), the Secretary shall release the detainee.

12 (g) PROTECTIVE CUSTODY FOR LGBTQI ALIEN DE-
13 TAINEEES.—

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

18 (A) the alien requests placement in such
19 housing for the protection of the alien; or

20 (B) the Secretary of Homeland Security
21 determines, after assessing all available alter-
22 natives, that there is no available alternative
23 means of separation from likely abusers.

24 (2) PLACEMENT FACTORS.—If an LGBTQI
25 alien is placed in segregated housing pursuant to

1 paragraph (1), the Secretary of Homeland Security
2 shall ensure that such housing—

3 (A) includes non-LGBTQI aliens, to the
4 extent practicable; and

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

7 (3) PROTECTIVE CUSTODY REQUESTS.—If a de-
8 tained LGBTQI alien requests placement in seg-
9 regated housing for the protection of such alien, the
10 Secretary of Homeland Security shall grant such re-
11 quest.

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

18 **SEC. 10. ISSUANCE OF PASSPORTS AND GUARANTEE OF**
19 **UNITED STATES CITIZENSHIP TO CERTAIN**
20 **CHILDREN BORN ABROAD.**

21 (a) SEX IDENTIFICATION MARKERS.—The Secretary
22 of State, through any appropriate regulation, manual, pol-
23 icy, form, or other updates, shall ensure that an applicant
24 may self-select the sex designation (including a non-binary
25 or neutral designation, such as “X”) on any identity docu-

1 ment issued by the Department of State that displays sex
 2 information, including passports and consular reports of
 3 birth abroad.

4 (b) **GUARANTEE OF CITIZENSHIP TO CHILDREN**
 5 **BORN ABROAD USING ASSISTIVE REPRODUCTION TECH-**
 6 **NOLOGY.**—Not later than 90 days after the date of the
 7 enactment of this Act, the Secretary of State shall issue
 8 regulations clarifying that no biological connection be-
 9 tween a parent and a child is required for a child to ac-
 10 quire citizenship at birth from a United States citizen par-
 11 ent under subsections (c), (d), (e), and (g) of section 301
 12 of the Immigration and Nationality Act (8 U.S.C. 1401)
 13 if such parent is recognized as the legal parent of the child
 14 from birth under the local law at the place of birth or
 15 under United States law.

16 **SEC. 11. ENGAGING INTERNATIONAL ORGANIZATIONS IN**
 17 **THE FIGHT AGAINST LGBTQI DISCRIMINA-**
 18 **TION.**

19 (a) **SENSE OF CONGRESS.**—It is the sense of Con-
 20 gress that—

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

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

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

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

1 **SEC. 12. REPRESENTING THE RIGHTS OF LGBTQI UNITED**
2 **STATES CITIZENS DEPLOYED TO DIPLOMATIC**
3 **AND CONSULAR POSTS.**

4 (a) SENSE OF CONGRESS.—Recognizing the impor-
5 tance of a diverse workforce in the representation of the
6 United States abroad and in support of sound personnel
7 staffing policies, it is the sense of Congress that the Sec-
8 retary of State should—

9 (1) prioritize efforts to ensure that foreign gov-
10 ernments do not impede the assignment of LGBTQI
11 United States citizens and their families to diplo-
12 matic and consular posts;

13 (2) open conversations with entities in the
14 United States private sector that engage in business
15 in other countries to the extent necessary to address
16 any visa issues faced by such private sector entities
17 with respect to their LGBTQI employees; and

18 (3) prioritize efforts to improve post and post
19 school information for LGBTQI employees and em-
20 ployees with LGBTQI family members.

21 (b) REMEDIES FOR FAMILY VISA DENIAL.—

22 (1) IN GENERAL.—The Secretary of State shall
23 use all appropriate diplomatic efforts to ensure that
24 the families of LGBTQI employees of the Depart-
25 ment of State are issued visas from countries where
26 such employees are posted.

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

4 (A) a classified list of each country that
5 has refused to grant accreditation to LGBTQI
6 employees of the Department of State or to
7 their family members during the most recent 2-
8 year period; and

9 (B) a description of the actions taken or
10 intended to be taken by the Secretary, in ac-
11 cordance with paragraph (1), to ensure that
12 LGBTQI employees are appointed to appro-
13 priate positions in accordance with diplomatic
14 needs and personnel qualifications, including
15 actions specifically relating to securing the ac-
16 creditation of the families of such employees by
17 relevant countries.

18 (c) IMPROVING POST INFORMATION AND OVERSEAS
19 ENVIRONMENT FOR LGBTQI ADULTS AND CHILDREN.—

20 (1) IN GENERAL.—The Secretary of State shall
21 ensure that LGBTQI employees and employees with
22 LGBTQI family members have adequate information
23 to pursue overseas postings, including country envi-
24 ronment information for adults and children.

1 (2) NONDISCRIMINATION POLICIES FOR UNITED
2 STATES GOVERNMENT-SUPPORTED SCHOOLS.—The
3 Secretary shall make every effort to ensure schools
4 abroad that receive assistance and support from the
5 United States Government under programs adminis-
6 tered by the Office of Overseas Schools of the De-
7 partment of State have active and clear non-
8 discrimination policies, including policies relating to
9 sexual orientation and gender identity impacting
10 LGBTQI children of all ages.

11 (3) REQUIRED INFORMATION FOR LGBTQI
12 CHILDREN.—The Secretary shall ensure that infor-
13 mation focused on LGBTQI children of all ages (in-
14 cluding transgender and gender nonconforming stu-
15 dents) is included in post reports, bidding materials,
16 and Office of Overseas Schools reports, databases,
17 and adequacy lists.

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