

118TH CONGRESS
1ST SESSION

H. R. 4050

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2023

Ms. TITUS (for herself, Ms. DEAN of Pennsylvania, Mr. CONNOLLY, Ms. WILLIAMS of Georgia, Ms. CLARKE of New York, Mr. COHEN, Mr. TORRES of New York, Mr. POCAN, Mr. ALLRED, Mr. SHERMAN, Mr. KIM of New Jersey, Ms. SÁNCHEZ, Ms. WASSERMAN SCHULTZ, Ms. BARRAGÁN, Ms. JACOBS, Mr. PANETTA, Ms. LEE of California, Mr. HUFFMAN, Mr. COSTA, Mr. GREEN of Texas, Mr. MCGOVERN, Mr. QUIGLEY, Mrs. WATSON COLEMAN, Mr. KILDEE, Ms. NORTON, Mr. CASTRO of Texas, Mr. ROBERT GARCIA of California, Mr. GOMEZ, Ms. LEGER FERNANDEZ, Mrs. NAPOLITANO, Ms. TOKUDA, Ms. PINGREE, Mr. BERA, Mrs. MCCLELLAN, Ms. LEE of Nevada, Mr. SCHNEIDER, Mr. KEATING, Ms. OMAR, Ms. STRICKLAND, Ms. JAYAPAL, Mr. LYNCH, Ms. MENG, Ms. SCANLON, Ms. DAVIDS of Kansas, Ms. KAMLAGER-DOVE, Mr. LEVIN, Mr. GOTTHEIMER, Mr. SCHIFF, Ms. CHU, Mr. MOULTON, Mr. DESAULNIER, Ms. CROCKETT, Ms. BROWNLEY, Mr. JOHNSON of Georgia, and Ms. BALINT) 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
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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Greater Leadership
3 Overseas for the Benefit of Equality Act of 2023” or the
4 “GLOBE Act of 2023”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

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

15 (2) In at least 67 countries, or roughly 35 per-
16 cent of the world, same-sex relations and relation-
17 ships are criminalized. Many countries also crim-
18 inalize or otherwise prohibit cross-dressing and gen-
19 der-affirming treatments for transgender individuals.

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

25 (4) Violence and discrimination based on sexual
26 orientation and gender identity are documented in

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

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

17 (6) Targeted sanctions are an important tool to
18 push for accountability for violations of the human
19 rights of LGBTQI people.

20 (7) Anti-LGBTQI laws and discrimination pose
21 significant risks for LGBTQI youth who come out to
22 their family or community and often face rejection,
23 homelessness, and limited educational and economic
24 opportunities. These factors contribute to increased

1 risks of substance abuse, suicide, and HIV infection
2 among LGBTQI youth.

3 (8) Anti-LGBTQI laws also increase global
4 health risks. Studies have shown that when
5 LGBTQI people, especially LGBTQI youth, face dis-
6 crimination, they are less likely to seek HIV testing,
7 prevention, and treatment services.

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

18 (10) Because they face tremendous discrimina-
19 tion in the formal labor sector, many sex workers
20 are also LGBTQI individuals, and many sex-worker-
21 led programs and clinics serve the LGBTQI commu-
22 nity with safe, non-stigmatizing, medical and social
23 care. USAID has also referred to sex workers as a
24 “most-at-risk population”. The anti-prostitution loy-
25 alty oath that health care providers receiving United

1 States assistance must take isolates sex-worker-led
2 and serving groups from programs and reinforces
3 stigma, undermining both the global AIDS response
4 and human rights. The Supreme Court found this
5 requirement unconstitutional as it applies to United
6 States nongovernmental organizations and their for-
7 eign affiliates in 2013.

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

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

21 (13) Asylum and refugee protection are critical
22 last-resort protections for LGBTQI individuals, but
23 those who seek such protections face ostracization
24 and abuse in refugee camps and detention facilities.
25 They are frequently targeted for violence, including

1 sexual assault, in refugee camps and in immigration
2 detention. LGBTQI individuals may be segregated
3 against their will for long periods in solitary confine-
4 ment, in an effort to protect them from such vio-
5 lence, but prolonged solitary confinement itself rep-
6 resents an additional form of abuse that is pro-
7 foundly damaging to the social and psychological
8 well-being of any individual.

9 (14) The global COVID–19 pandemic has exac-
10 erbated inequalities that LGBTQI individuals face,
11 including access to health care, stigma, and discrimi-
12 nation, undermining LGBTQI rights around the
13 world.

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

20 (16) In 2015, the Department of State estab-
21 lished the position of Special Envoy for the Human
22 Rights of LGBTQI Persons.

23 (17) In 2021, President Joseph Biden issued
24 the Memorandum on Advancing the Human Rights
25 of Lesbian, Gay, Bisexual, Transgender, Queer, and

1 Intersex Persons Around the World, which stated
2 that it is the policy of the United States to pursue
3 an end to violence and discrimination on the basis
4 of sexual orientation, gender identity or expression,
5 or sex characteristics and called for United States
6 global leadership on LGBTQI rights.

7 (18) In *Bostock v. Clayton County*, the Su-
8 preme Court held that title VII of the Civil Rights
9 Act of 1964 prohibits discrimination on the basis of
10 gender identity and sexual orientation. On January
11 20, 2021, President Biden issued Executive Order
12 13988 to enforce *Bostock*, which orders all agency
13 heads to determine the additional steps they should
14 take to ensure that administration policies are fully
15 implemented consistent with *Bostock*, including the
16 Secretary of State and the Administrator of USAID.

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, as in the United States-Mexico-Canada
2 Agreement, and trade preference programs is in-
3 tended both to ensure a level playing field for United
4 States business and to provide greater workplace
5 protections overseas, compatible with those of the
6 United States.

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

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

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

1 equality, including through proud and open service
2 abroad by LGBTQI United States citizens and those
3 living with HIV.

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

7 (a) INFORMATION REQUIRED TO BE INCLUDED IN
8 ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRAC-
9 TICES.—

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

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

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

18 (C) by adding at the end the following new
19 paragraph:

20 “(13) wherever applicable, the nature and ex-
21 tent of criminalization, discrimination, and violence
22 by state and non-state actors based on sexual ori-
23 entation or gender identity, as those terms are de-
24 fined in section 12 of the GLOBE Act of 2023, or
25 sex characteristics, including an identification of

1 those countries that have adopted laws or constitu-
2 tional provisions that criminalize or discriminate
3 based on sexual orientation, gender identity, or sex
4 characteristics, including descriptions of such laws
5 and provisions.”.

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

9 (A) by redesignating the second subsection
10 (i) (relating to child marriage status) as sub-
11 section (j); and

12 (B) by adding at the end the following new
13 subsection:

14 “(k) SEXUAL ORIENTATION, GENDER IDENTITY,
15 AND SEX CHARACTERISTICS.—The report required under
16 subsection (b) shall include, wherever applicable, the na-
17 ture and extent of criminalization, discrimination, and vio-
18 lence by state and non-state actors based on sexual ori-
19 entation or gender identity, as those terms are defined in
20 section 12 of the GLOBE Act of 2023, or sex characteris-
21 ties, including an identification of those countries that
22 have adopted laws or constitutional provisions that crim-
23 inalize or discriminate based on sexual orientation, gender
24 identity, or sex characteristics, including descriptions of
25 such laws and provisions.”.

1 (b) REVIEW AT DIPLOMATIC AND CONSULAR
2 POSTS.—

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

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

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

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

19 (2) ADDRESSING BIAS-MOTIVATED VIOLENCE.—
20 The Secretary shall include in the annual strategic
21 plans of the regional bureaus concrete diplomatic
22 strategies, programs, and policies to address bias-
23 motivated violence using information obtained pursu-
24 ant to paragraph (1), such as programs to build ca-
25 pacity among civil society or governmental entities to

1 document, investigate, and prosecute instances of
2 such violence and provide support to victims of such
3 violence.

4 (c) INTERAGENCY GROUP.—

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

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

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

22 (B) develop longer-term approaches to pol-
23 icy developments and incidents negatively im-
24 pacting the LGBTQI populations in specific
25 countries;

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

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

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

13 (d) SPECIAL ENVOY FOR THE HUMAN RIGHTS OF
14 LGBTQI PEOPLES.—

15 (1) ESTABLISHMENT.—The Secretary of State
16 shall establish in the Bureau of Democracy, Human
17 Rights, and Labor of the Department of State a per-
18 manent Special Envoy for the Human Rights of
19 LGBTQI Peoples (in this section referred to as the
20 “Special Envoy”), who—

21 (A) shall be appointed by the President;
22 and

23 (B) shall report directly to the Assistant
24 Secretary for Democracy, Human Rights, and
25 Labor.

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

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

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

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

17 (B) notwithstanding any other provision of
18 law, direct activities, policies, programs, and
19 funding relating to the human rights of
20 LGBTQI people and the advancement of
21 LGBTQI equality initiatives internationally, for
22 all bureaus and offices of the Department of
23 State and shall lead the coordination of relevant
24 international programs for all other Federal
25 agencies relating to such matters;

1 (C) represent the United States in diplo-
2 matic matters relevant to the human rights of
3 LGBTQI people, including criminalization, dis-
4 crimination, and violence against LGBTQI peo-
5 ple internationally;

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

14 (E) design, support, and implement activi-
15 ties regarding support, education, resettlement,
16 and empowerment of LGBTQI people inter-
17 nationally, including for the prevention and re-
18 sponse to criminalization, discrimination, and
19 violence against LGBTQI people internation-
20 ally;

21 (F) lead interagency coordination between
22 the foreign policy priorities related to the
23 human rights of LGBTQI people and the devel-
24 opment assistance priorities of the LGBTQI

1 Coordinator of the United States Agency for
2 International Development;

3 (G) conduct regular consultation with non-
4 governmental organizations working to prevent
5 and respond to criminalization, discrimination,
6 and violence against LGBTQI people inter-
7 nationally; and

8 (H) represent the United States in bilat-
9 eral and multilateral fora on matters relevant to
10 the human rights of LGBTQI people inter-
11 nationally, including criminalization, discrimina-
12 tion, and violence against LGBTQI people
13 internationally.

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

24 (f) SENIOR LGBTQI COORDINATOR.—The Adminis-
25 trator of the United States Agency for International De-

1 velopment shall establish a permanent Senior LGBTQI
2 Coordinator who shall be appointed by the Administrator
3 and will coordinate across the agency with respect to
4 LGBTQI inclusive development programming.

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

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

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

19 (A) torture or cruel, inhuman, or degrad-
20 ing treatment or punishment;

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

23 (C) causing the disappearance of such per-
24 sons by the abduction and clandestine detention
25 of such persons; or

1 (D) other flagrant denial of the right to
2 life, liberty, or the security of such persons; or
3 (2) acted as an agent of or on behalf of a for-
4 eign person in a matter relating to an activity de-
5 scribed in paragraph (1).

6 (b) FORM; UPDATES; REMOVAL.—

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

17 (A) determines that—

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

20 (ii) the use of such annex, and the in-
21 clusion of such person in such annex,
22 would not undermine the overall purpose of
23 this section to publicly identify foreign per-
24 sons engaging in the conduct described in

1 subsection (a) in order to increase account-
2 ability for such conduct; and

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

12 (2) UPDATES.—The President shall transmit to
13 the appropriate congressional committees an update
14 of the list required by subsection (a) as new infor-
15 mation becomes available.

16 (3) REMOVAL.—A foreign person may be re-
17 moved from the list required by subsection (a) if the
18 President determines and reports to the appropriate
19 congressional committees not later than 15 days be-
20 fore the removal of such person from such list
21 that—

22 (A) credible information exists that such
23 person did not engage in the activity for which
24 the person was included in such list;

1 (B) such person has been prosecuted ap-
2 propriately for the activity in which such person
3 engaged;

4 (C) such person has credibly demonstrated
5 a significant change in behavior, has paid an
6 appropriate consequence for the activities in
7 which such person engaged, and has credibly
8 committed to not engage in an activity de-
9 scribed in subsection (a); or

10 (D) removal of such sanctions is in the
11 vital national security interests of the United
12 States.

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

20 (d) REQUESTS FROM CHAIR AND RANKING MEMBER
21 OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

22 (1) CONSIDERATION OF INFORMATION.—In ad-
23 dition to the guidance issued pursuant to subsection
24 (c), the President shall also consider information
25 provided by the Chair or Ranking Member of each

1 of the appropriate congressional committees in de-
2 termining whether to include a foreign person in the
3 list required by subsection (a).

4 (2) REQUESTS.—Not later than 120 days after
5 receiving a written request from the Chair or Rank-
6 ing Member of 1 of the appropriate congressional
7 committees with respect to whether a foreign person
8 meets the criteria for being included in the list re-
9 quired by subsection (a), the President shall trans-
10 mit a response to such Chair or Ranking Member,
11 as the case may be, with respect to the President’s
12 determination relating to such foreign person.

13 (3) REMOVAL.—If the President removes from
14 the list required by subsection (a) a foreign person
15 that had been included in such list pursuant to a re-
16 quest under paragraph (2), the President shall pro-
17 vide to the relevant Chair or Ranking Member of 1
18 of the appropriate congressional committees any in-
19 formation that contributed to such decision.

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

25 (e) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

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

5 (A) inadmissible to the United States;

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

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

12 (2) CURRENT VISAS REVOKED.—

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

24 (B) EFFECT OF REVOCATION.—A revoca-
25 tion under subparagraph (A) shall—

- 1 (i) take effect immediately; and
2 (ii) automatically cancel any other
3 valid visa or entry documentation that is in
4 the foreign person's possession.

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

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

19 (4) EXCEPTIONS.—

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

- 23 (i) activities subject to the reporting
24 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.—Sanctions under this
7 subsection shall not apply with respect to a for-
8 eign person if admitting or paroling such per-
9 son into the United States is necessary to per-
10 mit 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.—For pur-
16 poses of this subparagraph, the term “cov-
17 ered individual” means an individual who
18 is an immediate family member of foreign
19 person on the list required by subsection
20 (a).

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

23 (A) IN GENERAL.—The President may
24 waive the application of paragraph (1) or (2)
25 with respect to a foreign person included in the

1 list required by subsection (a) if the President
2 determines and transmits to the appropriate
3 congressional committees notice and justifica-
4 tion, that such a waiver—

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

13 (ii) is in the national security interests
14 of the United States.

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

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

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

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

9 (B) an analysis that compares increases or
10 decreases in the number of such persons added
11 or removed year-over-year and the reasons
12 therefore;

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

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

22 (4) steps the Department can take to improve
23 coordination with foreign governments, civil society
24 groups, and the private sector, to prevent the com-
25 mission of the human rights violations described in

1 section 3(a)(1) against persons based on actual or
2 perceived sexual orientation, gender identity, or sex
3 characteristics.

4 (g) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Armed Services, the
9 Committee on Foreign Affairs, the Committee
10 on Homeland Security, and the Committee on
11 the Judiciary of the House of Representatives;
12 and

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

18 (2) FOREIGN PERSON.—The term “foreign per-
19 son” has the meaning given such term in section
20 595.304 of title 31, Code of Federal Regulations (as
21 in effect on the day before the date of enactment of
22 this Act).

23 (3) IMMEDIATE FAMILY MEMBER.—The term
24 “immediate family member” has the meaning given

1 such term for purposes of section 7031(c) of division
2 K of the Consolidated Appropriations Act, 2021.

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

7 **SEC. 5. COMBATING INTERNATIONAL CRIMINALIZATION OF**
8 **LGBTQI STATUS, EXPRESSION, OR CONDUCT.**

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

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

21 (1) An examination of the full range of criminal
22 and civil laws of other countries that disproportion-
23 ately impact communities of LGBTQI individuals or
24 apply with respect to the conduct of LGBTQI indi-
25 viduals.

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

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

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

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

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

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

1 **SEC. 6. FOREIGN ASSISTANCE TO PROTECT HUMAN RIGHTS**
2 **OF LGBTQI PEOPLE.**

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

13 (b) GLOBAL EQUALITY FUND.—

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

25 (A) Ensuring the freedoms of assembly,
26 association, and expression.

1 (B) Protecting persons or groups against
2 the threat of violence, including medically un-
3 necessary interventions performed on intersex
4 infants.

5 (C) Advocating against laws that crim-
6 inalize LGBTQI status, expression, or conduct
7 or discriminate against individuals on the basis
8 of sexual orientation, gender identity, or sex
9 characteristics.

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

13 (E) Building community awareness and
14 support for the human rights of LGBTQI per-
15 sons.

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

22 (3) PRIORITIZATION.—In providing assistance
23 through the Global Equality Fund, the Secretary
24 shall ensure due consideration and appropriate
25 prioritization of assistance to groups that have his-

1 torically been excluded from programs undertaken
2 for the outcomes described in paragraph (1).

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

14 (1) To strengthen the capacity of LGBTQI
15 leaders and civil society organizations.

16 (2) To train LGBTQI leaders to effectively par-
17 ticipate in democratic processes and lead civil insti-
18 tutions.

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

21 (4) To promote inclusive development, including
22 economic empowerment through enhanced LGBTQI
23 entrepreneurship and business development.

24 (d) **CONSULTATION.**—In coordinating programs,
25 projects, and activities through the Global Equality Fund

1 or the Global Development Partnership, the Secretary of
2 State shall consult, as appropriate, with the Administrator
3 of the United States Agency for International Develop-
4 ment and the heads of other relevant Federal departments
5 and agencies.

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

12 (f) LIMITATION ON ASSISTANCE RELATING TO
13 EQUAL ACCESS.—

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

20 (A) ensures that the program, project, or
21 activity funded by such amounts are made
22 available to all elements of the population, ex-
23 cept to the extent that such program, project,
24 or activity targets a population because of the

1 higher assessed risk of negative outcomes
2 among such populations;

3 (B) undertakes to make every reasonable
4 effort to ensure that each subcontractor or sub-
5 grantee of such recipient will also adhere to the
6 requirement described in subparagraph (A); and

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

13 (2) QUARTERLY REPORT.—The Secretary of
14 State shall provide to the appropriate congressional
15 committees a quarterly report on the methods by
16 which the Department monitors compliance with the
17 requirement in paragraph (1)(A).

18 (g) OFFICE OF FOREIGN ASSISTANCE.—The Sec-
19 retary of State, acting through the Director of the Office
20 of Foreign Assistance, shall monitor the amount of foreign
21 assistance obligated and expended on programs, projects,
22 and activities relating to LGBTQI people, and shall pro-
23 vide the results of the indicators tracking such expendi-
24 ture, upon request, to the Organization for Economic Co-
25 operation and Development.

1 **SEC. 7. GLOBAL HEALTH INCLUSIVITY.**

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

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

1 other countries in order to enforce domestic laws criminal-
2 izing 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 enactment
5 of this Act, the Coordinator shall submit to the appro-
6 priate congressional committees a report describing the
7 impact of partner notification services and index testing
8 on treatment adherence, intimate partner violence, and ex-
9 posure to the criminal justice system for key populations,
10 including LGBTQI people and sex workers, using quali-
11 tative and quantitative data.

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

20 (e) REMOVING LIMITATIONS ON ELIGIBILITY FOR
21 FOREIGN ASSISTANCE.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law, regulation, or policy, in determining
24 eligibility for assistance authorized under part I of

1 the Foreign Assistance Act of 1961 (22 U.S.C. 2151
2 et seq.), foreign nongovernmental organizations—

3 (A) shall not be ineligible for such assist-
4 ance solely on the basis of health or medical
5 services, including counseling and referral serv-
6 ices, provided by such organizations with non-
7 United States Government funds if such serv-
8 ices do not violate the laws of the country in
9 which they are being provided; and

10 (B) shall not be subject to requirements
11 relating to the use of non-United States Gov-
12 ernment funds for advocacy and lobbying activi-
13 ties other than those that apply to United
14 States nongovernmental organizations receiving
15 assistance under part I of such Act.

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) LGBTQI SOCIAL GROUP.—Section
4 101(a)(42) of the Immigration and Nationality Act
5 (8 U.S.C. 1101(a)(42)) is amended by 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 informa-
20 tion on the total number of applications for asylum
21 and refugee status received that are, in whole or in
22 part, based on persecution or a well-founded fear of
23 persecution on account of sexual orientation or gen-
24 der identity, and the rate of approval administra-
25 tively of such applications.”.

26 (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 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 perma-
9 nent partnership.

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

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

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

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

20 “(D) is a national of or, in the case of a
21 person having no nationality, last habitually re-
22 sided in a country that prohibits marriage be-
23 tween the individuals; and

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

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

4 (c) COUNSEL.—

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

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

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

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

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

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

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

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

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

1 “(b) Notwithstanding subsection (a), in a case in
2 which an indigent alien requests representation, such rep-
3 resentation shall be appointed by the court, at the expense
4 of the Government, for the proceedings described in sub-
5 section (a).

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

11 (d) REFUGEE ADMISSIONS OF LGBTQI ALIENS
12 FROM CERTAIN COUNTRIES.—

13 (1) IN GENERAL.—In the case of aliens who are
14 nationals of or, in the case of aliens having no na-
15 tionality, last habitually resided in a country that
16 fails to protect against persecution on the basis of
17 sexual orientation or gender identity and who share
18 common characteristics that identify them as targets
19 of persecution on account of sexual orientation or
20 gender identity, such aliens are eligible for Priority
21 2 processing under the refugee resettlement priority
22 system.

23 (2) RESETTLEMENT PROCESSING.—

24 (A) IN GENERAL.—In a case in which a
25 refugee admitted under section 207 of the Im-

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

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

19 (e) TRAINING PROGRAM.—

20 (1) TRAINING PROGRAM.—In order to create an
21 environment in which an alien may safely disclose
22 such alien's sexual orientation or gender identity,
23 the Secretary of Homeland Security shall establish,
24 in consultation with the Secretary of State, a train-
25 ing program for staff and translators who partici-

1 pate in the interview process of aliens seeking asy-
2 lum or status as a refugee.

3 (2) COMPONENTS OF TRAINING PROGRAM.—

4 The training program described in paragraph (1)
5 shall include instruction on—

6 (A) appropriate word choice and word
7 usage;

8 (B) creating safe spaces and facilities for
9 LGBTQI aliens;

10 (C) confidentiality requirements; and

11 (D) nondiscrimination policies.

12 (f) LIMITATION ON DETENTION.—

13 (1) PRESUMPTION OF RELEASE.—

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

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

1 (ii) shall immediately release any de-
2 tained alien who is a member of a vulner-
3 able group.

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

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

1 solely for the purpose of such removal, detain
2 the alien for a period that is—

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

6 (ii) not more than 5 days.

7 (2) WEEKLY REVIEW REQUIRED.—

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

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

21 (g) PROTECTIVE CUSTODY FOR LGBTQI ALIEN DE-
22 TAINÉES.—

23 (1) DETAINEES.—An LGBTQI alien who is de-
24 tained under subparagraph (B) or (C) of subsection

1 (f)(1) may not be placed in housing that is seg-
2 regated from the general population unless—

3 (A) the alien requests placement in such
4 housing for the protection of the alien; or

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

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

13 (A) includes non-LGBTQI aliens, to the
14 extent practicable; and

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

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

22 (h) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the Secretary of Homeland Security should hire
24 a sufficient number of Refugee Corps officers for refugee
25 interviews to be held within a reasonable period of time

1 and adjudicated not later than 180 days after a request
2 for Priority 2 consideration is filed.

3 **SEC. 9. ISSUANCE OF PASSPORTS AND GUARANTEE OF**
4 **CITIZENSHIP TO CERTAIN CHILDREN BORN**
5 **ABROAD.**

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

14 (b) **GUARANTEE OF CITIZENSHIP TO CHILDREN**
15 **BORN ABROAD USING ASSISTIVE REPRODUCTION TECH-**
16 **NOLOGY.**—Not later than 90 days after the date of enact-
17 ment of this Act, the Secretary of State shall issue regula-
18 tions, in accordance with the press statement released on
19 May 18, 2021, with respect to “U.S. Citizenship Trans-
20 mission and Assisted Reproductive Technology”, clarifying
21 that no biological connection between a parent and a child
22 is required for a child to acquire citizenship at birth from
23 a United States citizen parent under sections 301(c), (d),
24 (e), and (g) of the Immigration and Nationality Act (8
25 U.S.C. 1401(c), (d), (e), and (g)), provided that either the

1 local law at the place of birth or United States law recog-
2 nize such a person to be the legal parent of the child from
3 birth.

4 **SEC. 10. ENGAGING INTERNATIONAL ORGANIZATIONS IN**
5 **THE FIGHT AGAINST LGBTQI DISCRIMINA-**
6 **TION.**

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

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

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

19 (3) the Secretary of State should seek appro-
20 priate opportunities to encourage the equal treat-
21 ment of LGBTQI people during discussions with or
22 participation in the full range of regional, multilat-
23 eral, and international fora, such as the Organiza-
24 tion of American States, the Organization for Secu-
25 rity and Cooperation in Europe, the European

1 Union, the African Union, and the Association of
2 South East Asian Nations.

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

10 **SEC. 11. REPRESENTING THE RIGHTS OF UNITED STATES**

11 **LGBTQI CITIZENS DEPLOYED TO DIPLO-**
12 **MATIC AND CONSULAR POSTS.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that, recognizing the importance of a diverse work-
15 force in the representation of the United States abroad,
16 and in support of sound personnel staffing policies, the
17 Secretary of State should—

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

22 (2) open conversations with entities in the
23 United States private sector that engage in business
24 in other countries to the extent necessary to address

1 any visa issues faced by such private sector entities
2 with respect to their LGBTQI employees; and

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

6 (b) REMEDIES FOR FAMILY VISA DENIAL.—

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

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

15 (A) a classified list of each country that
16 has refused to grant accreditation to LGBTQI
17 employees of the Department or their family
18 members in the prior 2 years; and

19 (B) the actions taken or intended to be
20 taken by the Secretary, in accordance with
21 paragraph (1), to ensure that LGBTQI employ-
22 ees are appointed to appropriate positions in ac-
23 cordance with diplomatic needs and personnel
24 qualifications, including actions specifically re-

1 lating to securing the accreditation of the fami-
2 lies of such employees by relevant countries.

3 (c) IMPROVING POST INFORMATION AND OVERSEAS
4 ENVIRONMENT FOR LGBTQI ADULTS AND CHILDREN.—

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

10 (2) NON-DISCRIMINATION POLICIES FOR
11 UNITED STATES GOVERNMENT-SUPPORTED
12 SCHOOLS.—The Secretary shall make every effort to
13 ensure schools abroad that receive assistance and
14 support from the United States Government under
15 programs administered by the Office of Overseas
16 Schools of the Department of State have active and
17 clear nondiscrimination policies, including policies
18 relating to sexual orientation and gender identity im-
19 pacting LGBTQI children of all ages.

20 (3) REQUIRED INFORMATION FOR LGBTQI
21 CHILDREN.—The Secretary shall ensure that infor-
22 mation focused on LGBTQI children of all ages (in-
23 cluding transgender and gender nonconforming stu-
24 dents) is included in post reports, bidding materials,

1 and Office of Overseas Schools reports, databases,
2 and adequacy lists.

3 **SEC. 12. DEFINITIONS.**

4 In this Act:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Foreign Affairs, the
9 Committee on the Judiciary, and the Com-
10 mittee on Appropriations of the House of Rep-
11 resentatives; and

12 (B) the Committee on Foreign Relations,
13 the Committee on the Judiciary, and the Com-
14 mittee on Appropriations of the Senate.

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

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

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

1 (A) is under 21 years of age or over 60
2 years of age;

3 (B) is pregnant;

4 (C) identifies as lesbian, gay, bisexual,
5 transgender, or intersex;

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

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

9 (F) has a serious mental or physical illness
10 or disability;

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

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

1 (5) SEXUAL ORIENTATION.—The term “sexual
2 orientation” means actual or perceived homosex-
3 uality, heterosexuality, or bisexuality.

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