

116TH CONGRESS  
1ST SESSION

# S. 3004

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

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2019

Mr. MARKEY (for himself, Mrs. SHAHEEN, Mr. MERKLEY, Ms. BALDWIN, Ms. KLOBUCHAR, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

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

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

### 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Greater Leadership Overseas for the Benefit of Equality  
6 Act of 2019” or the “GLOBE Act of 2019”.

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

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

- Sec. 4. Documenting and responding to bias-motivated violence against LGBTI people abroad.
- Sec. 5. Sanctions on individuals responsible for violations of human rights against LGBTI people.
- Sec. 6. Combating international criminalization of LGBTI status, expression, or conduct.
- Sec. 7. Foreign assistance to protect human rights of LGBTI people.
- Sec. 8. Global health inclusivity.
- Sec. 9. Immigration reform.
- Sec. 10. Engaging international organizations in the fight against LGBTI discrimination.
- Sec. 11. Representing the rights of United States LGBTI 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 lesbian, gay, bi-  
 6 sexual, transgender, and intersex (LGBTI) peoples  
 7 in an overwhelming majority of countries around the  
 8 world, where LGBTI people face violence, hatred,  
 9 bigotry, and discrimination because of who they are  
 10 and who they love.

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

16 (3) The World Bank has begun to measure the  
 17 macro-economic costs of criminal laws targeting  
 18 LGBTI 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 Human  
6        Rights Reports to Congress, 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 LGBTI citizens.

14           (5) As documented by the Department of State,  
15        LGBTI individuals are subjected in many countries  
16        to capricious imprisonment, loss of employment,  
17        housing, access to health care, and societal stigma  
18        and discrimination. LGBTI-specific restrictions on  
19        basic freedoms of assembly, press, and speech exist  
20        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 LGBTI people.

24           (7) Anti-LGBTI laws and discrimination pose  
25        significant risks for LGBTI youth who reveal their

1 sexual identity to their family or community and  
2 often face rejection, homelessness, and limited edu-  
3 cational and economic opportunities. These factors  
4 contribute to increased risks of substance abuse, sui-  
5 cide, and HIV infection among LGBTI youth.

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

11 (9) Because they face tremendous discrimina-  
12 tion in the formal labor sector, many sex workers  
13 are also LGBTI individuals, and many sex-worker-  
14 led programs and clinics serve the LGBTI commu-  
15 nity with safe, non-stigmatizing, medical and social  
16 care. USAID has also referred to sex workers as a  
17 “most-at-risk population”. The anti-prostitution loy-  
18 alty oath that health care providers receiving United  
19 States assistance must take isolates sex-worker-led  
20 and serving groups from programs and reinforces  
21 stigma, undermining both the global AIDS response  
22 and human rights. In 2013, the Supreme Court held  
23 that this requirement is unconstitutional as it ap-  
24 plies to United States nongovernmental organiza-  
25 tions and their foreign affiliates.

1           (10) According to the Trans Murder Monitoring  
2           Project, which monitors homicides of transgender in-  
3           dividuals, there were at least 369 cases of reported  
4           killings of transgender and gender-diverse people be-  
5           tween October 2017 and September 2018, which  
6           represents an increase compared to previous years.

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

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

1 foundly damaging to the social and psychological  
2 well-being of any individual.

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

9 (14) In 2015, the Department of State estab-  
10 lished the position of Special Envoy for the Human  
11 Rights of LGBTI Persons.

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

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

1 ed interest in the success of that multilateral en-  
2 gagement.

3 (17) Ongoing United States participation in the  
4 Equal Rights Coalition, which is a new intergovern-  
5 mental coalition of more than 40 governments and  
6 leading civil society organizations that work together  
7 to protect the human rights of LGBTI people  
8 around the world, remains vital to international ef-  
9 forts to respond to violence and impunity.

10 (18) Those who represent the United States  
11 abroad, including our diplomats, development spe-  
12 cialists and military, should reflect the diversity of  
13 our country and honor America’s call to equality, in-  
14 cluding through proud and open service abroad by  
15 LGBTI Americans and those living with HIV.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

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

21 (A) the Committee on Foreign Relations of  
22 the Senate;

23 (B) the Committee on the Judiciary of the  
24 Senate;

1 (C) the Committee on Appropriations of  
2 the Senate;

3 (D) the Committee on Foreign Affairs of  
4 the House of Representatives;

5 (E) the Committee on the Judiciary of the  
6 House of Representatives; and

7 (F) the Committee on Appropriations of  
8 the House of Representatives.

9 (2) LGBTI.—The term “LGBTI” means les-  
10 bian, gay, bisexual, transgender, or intersex.

11 (3) MEMBER OF A VULNERABLE GROUP.—The  
12 term “member of a vulnerable group” means an  
13 alien who—

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

16 (B) is pregnant;

17 (C) identifies as lesbian, gay, bisexual,  
18 transgender, or intersex;

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

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

22 (F) has a serious mental or physical illness  
23 or disability;

24 (G) has been determined by an asylum of-  
25 ficer in an interview conducted under section



235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) to have a credible fear of persecution; or

(H) has been determined by an immigration judge or by the Secretary of Homeland Security to be experiencing severe trauma or to be a survivor of torture or gender-based violence, based on information obtained during intake, from the alien’s attorney or legal service provider, or through credible self-reporting.

**SEC. 4. DOCUMENTING AND RESPONDING TO BIAS-MOTIVATED VIOLENCE AGAINST LGBTI PEOPLE ABROAD.**

(a) INFORMATION TO INCLUDE IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

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

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

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

(C) by adding at the end the following:

1           “(13) wherever applicable, violence or discrimi-  
2           nation that affects fundamental freedoms, including  
3           widespread or systematic violation of the freedoms of  
4           expression, association, or assembly of an individual  
5           in foreign countries that is based on actual or per-  
6           ceived sexual orientation, gender identity, or sex  
7           characteristics.”; and

8           (2) in section 502B(b) (22 U.S.C. 2304(b)), by  
9           inserting after the ninth sentence the following:  
10          “Wherever applicable, such report shall also include  
11          information regarding violence or discrimination that  
12          affects the fundamental freedoms, including wide-  
13          spread or systematic violation of the freedoms of ex-  
14          pression, association, or assembly of an individual in  
15          foreign countries that is based on actual or perceived  
16          sexual orientation, gender identity, or sex character-  
17          istics.”.

18          (b) REVIEW AT DIPLOMATIC AND CONSULAR  
19 POSTS.—

20          (1) IN GENERAL.—In preparing the annual  
21          country reports on human rights practices required  
22          under section 116 or 502B of the Foreign Assist-  
23          ance Act of 1961 (22 U.S.C. 2151n and 2304), as  
24          amended by subsection (a), the Secretary of State

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

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

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

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

12 (2) ADDRESSING BIAS-MOTIVATED VIOLENCE.—

13 The Secretary shall include, in the annual strategic  
14 plans of the regional bureaus, concrete diplomatic  
15 strategies, programs, and policies to address bias-  
16 motivated violence using information obtained pursu-  
17 ant to paragraph (1), such as programs to build ca-  
18 pacity among civil society or governmental entities to  
19 document, investigate, and prosecute instances of  
20 such violence and provide support to victims of such  
21 violence.

22 (c) INTERAGENCY GROUP.—

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

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

9               (2) DUTIES.—The duties of the interagency  
10       group shall be—

11               (A) to coordinate the responses of each  
12       participating agency with respect to threats di-  
13       rected towards LGBTI populations in other  
14       countries;

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

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

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

1 (E) to use such identified laws and policies  
2 to develop diplomatic strategies to share the ex-  
3 pertise obtained from the implementation of  
4 such laws and policies with appropriate officials  
5 of countries where LGBTI persons do not enjoy  
6 equal protection under the law.

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

9 (1) ESTABLISHMENT.—The Secretary of State  
10 shall establish, in the Bureau of Democracy, Human  
11 Rights, and Labor of the Department of State a per-  
12 manent Special Envoy for the Human Rights of  
13 LGBTI Peoples (referred to in this subsection as the  
14 “Special Envoy”), who shall be appointed by the  
15 President. The Special Envoy shall report directly to  
16 the Assistant Secretary for Democracy, Human  
17 Rights, and Labor.

18 (2) PURPOSE.—The Special Envoy shall direct  
19 efforts of the United States Government relating to  
20 United States foreign policy, as directed by the Sec-  
21 retary, regarding human rights abuses against  
22 LGBTI people and communities internationally and  
23 the advancement of human rights for LGBTI people,  
24 and shall represent the United States internationally

1 in bilateral and multilateral engagement on such  
2 matters.

3 (3) DUTIES.—

4 (A) IN GENERAL.—The Special Envoy—

5 (i) shall serve as the principal advisor  
6 to the Secretary of State regarding human  
7 rights for LGBTI people internationally;

8 (ii) notwithstanding any other provi-  
9 sion of law, shall direct activities, policies,  
10 programs, and funding relating to the  
11 human rights of LGBTI people and the  
12 advancement of LGBTI equality initiatives  
13 internationally, for all bureaus and offices  
14 of the Department of State and shall lead  
15 the coordination of relevant international  
16 programs for all other Federal agencies re-  
17 lating to such matters;

18 (iii) shall represent the United States  
19 in diplomatic matters relevant to the  
20 human rights of LGBTI people, including  
21 criminalization, discrimination, and vio-  
22 lence against LGBTI people internation-  
23 ally;

24 (iv) shall direct, as appropriate,  
25 United States Government resources to re-

1           spond to needs for protection, integration,  
2           resettlement, and empowerment of LGBTI  
3           people in United States Government poli-  
4           cies and international programs, including  
5           to prevent and respond to criminalization,  
6           discrimination, and violence against  
7           LGBTI people internationally;

8           (v) shall design, support, and imple-  
9           ment activities regarding support, edu-  
10          cation, resettlement, and empowerment of  
11          LGBTI people internationally, including  
12          for the prevention and response to crim-  
13          inalization, discrimination, and violence  
14          against LGBTI people internationally;

15          (vi) shall lead interagency coordina-  
16          tion between the foreign policy priorities  
17          related to the human rights of LGBTI peo-  
18          ple and the development assistance prior-  
19          ities of the LGBTI Coordinator of the  
20          United States Agency for International  
21          Development;

22          (vii) shall conduct regular consultation  
23          with nongovernmental organizations work-  
24          ing to prevent and respond to criminaliza-

tion, discrimination, and violence against  
LGBTI people internationally;

(viii) shall ensure that programs,  
projects, and activities of the Department  
of State and the United States Agency for  
International Development designed to pre-  
vent and respond to criminalization, dis-  
crimination, and violence against LGBTI  
people internationally are subject to rig-  
orous monitoring and evaluation, and that  
there is a uniform set of indicators and  
standards for such monitoring and evalua-  
tion that is used across international pro-  
grams in Federal agencies; and

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

(e) TRAINING AT INTERNATIONAL LAW ENFORCE-  
MENT ACADEMIES.—The President shall ensure that any  
international law enforcement academy supported by  
United States assistance shall provide training with re-



1 spect to the rights of LGBTI people, including through  
 2 specialized courses highlighting best practices in the docu-  
 3 mentation, investigation and prosecution of bias-motivated  
 4 hate crimes targeting persons based on actual or perceived  
 5 sexual orientation, gender identity, or sex characteristics.

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

9 (a) IN GENERAL.—Not later than 180 days after the  
 10 date of the enactment of this Act and biannually there-  
 11 after, the President shall submit a list to the appropriate  
 12 congressional committees that identifies each foreign per-  
 13 son who the President determines, based on credible infor-  
 14 mation, including information obtained by other countries  
 15 or by nongovernmental organizations that monitor viola-  
 16 tions of human rights—

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

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

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

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

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

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

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

12 (b) FORM; UPDATES; REMOVAL.—

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

23 (A) determines that—

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

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

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

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

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

1        days before the removal of such person from such  
2        list that—

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

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

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

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

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

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

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

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

15 (3) REMOVAL.—If the President removes a for-  
16 eign person who had been included in the list re-  
17 quired under subsection (a) pursuant to a request  
18 under paragraph (2), the President shall provide to  
19 the relevant Chair or Ranking Member of one of the  
20 appropriate congressional committees any informa-  
21 tion that contributed to such decision.

22 (4) FORM.—The President may submit a re-  
23 sponse required under paragraph (2) or (3) in classi-  
24 fied form if the President determines that such form

1 is necessary to protect the national security interests  
2 of the United States.

3 (e) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

4 (1) INELIGIBILITY FOR VISAS AND ADMISSION  
5 TO THE UNITED STATES.—A foreign person included  
6 on the list required under subsection (a) is—

7 (A) inadmissible to the United States;

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

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

14 (2) CURRENT VISAS REVOKED.—

15 (A) IN GENERAL.—The issuing consular  
16 officer or the Secretary of State (or a designee  
17 of the Secretary of State), in accordance with  
18 section 221(i) of the Immigration and Nation-  
19 ality Act (8 U.S.C. 1201(i)), shall revoke any  
20 visa or other entry documentation issued to a  
21 foreign person included on the list required  
22 under subsection (a) regardless of when the visa  
23 or other 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) RULEMAKING.—Not later than 180  
6 days after the date of the enactment of this  
7 Act, the Secretary of State shall prescribe such  
8 regulations as are necessary to carry out this  
9 subsection.

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

22 (3) SENSE OF CONGRESS WITH RESPECT TO  
23 ADDITIONAL SANCTIONS.—It is the sense of Con-  
24 gress that the President should impose additional  
25 targeted sanctions with respect to foreign persons

1 included on the list required under subsection (a) to  
2 push for accountability for flagrant denials of the  
3 right to life, liberty, or the security of the person,  
4 through the use of designations and targeted sanc-  
5 tions provided for such conduct under other existing  
6 authorities.

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

9 (A) IN GENERAL.—The President may  
10 waive the application of paragraph (1) or (2)  
11 with respect to a foreign person included on the  
12 list required under subsection (a) if the Presi-  
13 dent determines and submits to the appropriate  
14 congressional committees notice and justifica-  
15 tion that such a waiver—

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



1 (ii) is in the national security interests  
2 of the United States.

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

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

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

15 (A) the number of foreign persons added  
16 to or removed from the list required under sub-  
17 section (a) during the year preceding each such  
18 report, the dates on which such persons were so  
19 added or removed, and the reasons for so add-  
20 ing or removing such persons; and

21 (B) 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 actions; and

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

5           (g) DEFINITIONS.—In this section:

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

9                   (A) the Committee on Armed Services of  
10                  the Senate;

11                  (B) the Committee on Foreign Relations of  
12                  the Senate;

13                  (C) the Committee on Homeland Security  
14                  and Governmental Affairs of the Senate;

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

17                  (E) the Committee on Armed Services of  
18                  the House of Representatives;

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

21                  (G) the Committee on Homeland Security  
22                  of the House of Representatives; and

23                  (H) the Committee on the Judiciary of the  
24                  House of Representatives.

1           (2) FOREIGN PERSON.—The term “foreign per-  
 2           son” has the meaning given such term in section  
 3           595.304 of title 31, Code of Federal Regulations (as  
 4           in effect on the day before the date of the enactment  
 5           of this Act).

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

10          (h) EXCLUSION FOR PERSECUTION OF LGBTI INDIVIDUALS.—Section 212(a)(2) of the Immigration and Na-  
 11          tionality Act (8 U.S.C. 1182(a)(2)) is amended by adding  
 12          at the end the following:  
 13          

14                   “(J) HUMAN RIGHTS VIOLATORS.—Any  
 15                   alien who, while serving as an official of a for-  
 16                   eign government, was responsible for, or di-  
 17                   rectly carried out, serious violations of the  
 18                   human rights of LGBTI individuals or tar-  
 19                   geting LGBTI people, is inadmissible.”.

20          **SEC. 6. COMBATING INTERNATIONAL CRIMINALIZATION OF**  
 21                   **LGBTI STATUS, EXPRESSION, OR CONDUCT.**

22          (a) ANNUAL STRATEGIC REVIEW.—The Secretary of  
 23          State, in consultation with the Administrator of the  
 24          United States Agency for International Development dur-

1 ing the course of annual strategic planning, shall include  
2 an examination of—

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

6 (2) the obstacles that remain toward achieving  
7 such decriminalization; and

8 (3) the strategies available to the Department  
9 and the Agency to address such obstacles.

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

12 (1) the full range of criminal and civil laws of  
13 other countries that disproportionately impact com-  
14 munities of LGBTI individuals or apply with respect  
15 to the conduct of LGBTI individuals; and

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 LGBTI individuals;

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

(iii) to reform related laws having a discriminatory impact on LGBTI individuals; and

(B) applicable speaker or exchange programs sponsored by the United States Government could bring together civil society and governmental leaders—

(i) to promote the recognition of LGBTI rights through educational exchanges in the United States; and

(ii) to support better understanding of the role that governments and civil societies mutually play in assurance of equal treatment of LGBTI populations in other countries.

**SEC. 7. FOREIGN ASSISTANCE TO PROTECT HUMAN RIGHTS  
OF LGBTI PEOPLE.**

(a) GLOBAL EQUALITY FUND.—

(1) IN GENERAL.—The Secretary of State shall establish a fund, which shall be known as the “Global Equality Fund” and shall be managed by the As-

1       sistant Secretary of the Bureau of Democracy,  
2       Human Rights, and Labor.

3               (2) FUNDING SOURCES.—

4               (A) IN GENERAL.—The Global Equality  
5       Fund shall consist of such sums as may be ap-  
6       propriated to provide grants, emergency assist-  
7       ance, and technical assistance to eligible civil  
8       society organizations and human rights defend-  
9       ers working to advance and protect human  
10      rights for all including LGBTI persons, by  
11      seeking to achieve the goals set forth in para-  
12      graph (3).

13              (B) CONTRIBUTIONS.—The Secretary may  
14      accept financial and technical contributions to  
15      the Global Equality Fund from corporations, bi-  
16      lateral donors, foundations, nongovernmental  
17      organizations, and other entities supporting the  
18      goals set forth in paragraph (3).

19              (3) GOALS.—The goals set forth in this para-  
20      graph are—

21              (A) ensuring the freedoms of assembly, as-  
22      sociation, and expression;

23              (B) protecting persons or groups against  
24      the threat of violence, including medically un-

1           necessary interventions performed on intersex  
2           infants;

3           (C) advocating against laws that crim-  
4           inalize LGBTI status, expression, or conduct or  
5           discriminate against individuals on the basis of  
6           sexual orientation, gender identity, or sex char-  
7           acteristics;

8           (D) ending explicit and implicit forms of  
9           discrimination in the workplace, housing, edu-  
10          cation, and other public institutions or services;  
11          and

12          (E) building community awareness and  
13          support for the human rights of LGBTI per-  
14          sons.

15          (4) PRIORITIZATION.—In providing assistance  
16          through the Global Equality Fund, the Secretary  
17          shall ensure due consideration and appropriate  
18          prioritization of assistance to groups that have his-  
19          torically been excluded from programs undertaken to  
20          achieve the goals set forth in paragraph (3).

21          (b) LGBTI GLOBAL DEVELOPMENT PARTNER-  
22          SHIP.—

23               (1) IN GENERAL.—The Administrator of the  
24          United States Agency for International Develop-  
25          ment, in consultation with the Secretary of State,

1       shall establish a partnership, which shall be known  
2       as the “LGBTI Global Development Partnership”,  
3       to leverage the financial and technical contributions  
4       of corporations, bilateral donors, foundations, non-  
5       governmental organizations, and universities to sup-  
6       port the human rights and development of LGBTI  
7       persons around the world by supporting programs,  
8       projects, and activities for the purposes set forth in  
9       paragraph (2).

10           (2) PURPOSES.—The purposes set forth in this  
11       paragraph are—

12                   (A) strengthening the capacity of LGBTI  
13       leaders and civil society organizations;

14                   (B) training LGBTI leaders to effectively  
15       participate in democratic processes and lead  
16       civil institutions;

17                   (C) conducting research to inform national,  
18       regional, or global policies and programs; and

19                   (D) promoting economic empowerment  
20       through enhanced LGBTI entrepreneurship and  
21       business development.

22       (c) CONSULTATION.—In coordinating programs,  
23       projects, and activities through the Global Equality Fund  
24       or the Global Development Partnership, the Secretary of  
25       State shall consult, as appropriate, with the Administrator



1 of the United States Agency for International Develop-  
2 ment and the heads of other relevant Federal departments  
3 and agencies.

4 (d) REPORT.—The Secretary of State shall submit an  
5 annual report to the appropriate congressional committees  
6 that describes the work of, successes obtained, and chal-  
7 lenges faced by, the Global Equality Fund and the LGBTI  
8 Global Development Partnership established pursuant to  
9 this section.

10 (e) LIMITATION ON ASSISTANCE RELATING TO  
11 EQUAL ACCESS.—

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

18 (A) ensures that the program, project, or  
19 activity funded by such amounts are made  
20 available to all elements of the population, ex-  
21 cept to the extent that such program, project,  
22 or activity targets a population because of the  
23 higher assessed risk of negative outcomes  
24 among such populations;

1 (B) undertakes to make every reasonable  
 2 effort to ensure that each subcontractor or sub-  
 3 grantee of such recipient complies with the re-  
 4 quirement under subparagraph (A); and

5 (C) agrees to return all amounts awarded  
 6 or otherwise provided by the United States, in-  
 7 cluding such additional penalties as the Sec-  
 8 retary of State may determine to be appro-  
 9 priate, if the recipient does not comply with the  
 10 requirement under subparagraph (A).

11 (2) QUARTERLY REPORT.—The Secretary of  
 12 State shall submit a quarterly report to the appro-  
 13 priate congressional committees that describes the  
 14 methods by which the Department of State monitors  
 15 compliance with the requirement under paragraph  
 16 (1)(A).

17 **SEC. 8. GLOBAL HEALTH INCLUSIVITY.**

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

21 (1) develop mechanisms to ensure that the im-  
 22 plementation of the President’s Emergency Plan for  
 23 AIDS Relief (PEPFAR) equitably serves LGBTI  
 24 people in accordance with the goals described in sec-  
 25 tion 7(e), including by requiring all partner entities

1 receiving assistance through PEPFAR to receive  
2 training on the health needs of and human rights  
3 standards relating to LGBTI people; and

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

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

21 (c) REPORT ON HIV/AIDS-RELATED INDEX TEST-  
22 ING.—Not later than 180 days after the date of the enact-  
23 ment of this Act, the Coordinator shall submit a report  
24 to the appropriate congressional committees that describes  
25 the impact of partner notification services and index test-

1 ing on treatment adherence, intimate partner violence, and  
 2 exposure to the criminal justice system for key popu-  
 3 lations, including LGBTI people and sex workers, using  
 4 qualitative and quantitative data.

5 (d) REMOVING LIMITATIONS ON ELIGIBILITY FOR  
 6 FOREIGN ASSISTANCE.—

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

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

12 (B) by redesignating subsections (h) and  
 13 (i) as subsections (g) and (h), respectively.

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

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

19 and

20 (B) by redesignating subsection (g) as sub-  
 21 section (d).

22 (3) CONFORMING AMENDMENTS TO THE ALLO-  
 23 CATION OF FUNDS BY THE GLOBAL AIDS COORDI-  
 24 NATOR.—Section 403(a) of such Act (22 U.S.C.  
 25 7673(a)) is amended—

1 (A) in paragraph (1)—

2 (i) by striking “shall—” and all that  
3 follows through “(A) provide” and insert-  
4 ing “shall provide”;

5 (ii) by striking “; and” and inserting  
6 a period; and

7 (iii) by striking subparagraph (B);  
8 and

9 (B) in paragraph (2)—

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

15 (ii) by striking subparagraph (B).

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

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

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

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

24 “(53) The term ‘marriage’ includes a permanent  
25 partnership.

1 “(54) The term ‘permanent partner’ means an indi-  
2 vidual who is 18 years of age or older and—

3 “(A) is in a committed, intimate relationship  
4 with another individual who is 18 years of age or  
5 older, in which both parties intend a lifelong com-  
6 mitment;

7 “(B) is financially interdependent with the  
8 other individual;

9 “(C) is not married to anyone other than the  
10 other individual;

11 “(D) is a national of or, in the case of a person  
12 having no nationality, last habitually resided in a  
13 country that prohibits marriage between the individ-  
14 uals; and

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

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

19 (b) REFUGEES AND ASYLUM SEEKERS.—

20 (1) LGBTI SOCIAL GROUP.—Section  
21 101(a)(42) of the Immigration and Nationality Act  
22 (8 U.S.C. 1101(a)(42)) is amended by adding at the  
23 end the following: “For purposes of determinations  
24 under this Act, a person who has been persecuted on  
25 the basis of sexual orientation or gender identity

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

8 (2) REPORT.—Section 103(e)(2) of such Act (8  
 9 U.S.C. 1103(e)(2)) is amended—

10 (A) by striking “on the number” and in-  
 11 serting the following: “regarding—

12 “(A) the number”; and

13 (B) by striking the period at the end and  
 14 inserting the following: “; and

15 “(B) the total number of applications for asy-  
 16 lum and refugee status received that are, in whole  
 17 or in part, based on persecution or a well founded  
 18 fear of persecution on account of sexual orientation  
 19 or gender identity, and the rate of approval adminis-  
 20 tratively of such applications.”.

21 (3) ASYLUM FILING DEADLINE REPEAL.—

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

25 (i) by striking subparagraph (B);

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

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

7 (iv) by amending subparagraph (C),  
 8 as redesignated, to read as follows:

9 “(C) CHANGED CIRCUMSTANCES.—Not-  
 10 withstanding subparagraph (B), an application  
 11 for asylum of an alien may be considered if the  
 12 alien demonstrates to the satisfaction of the At-  
 13 torney General the existence of changed cir-  
 14 cumstances which materially affect the appli-  
 15 cant’s eligibility for asylum.”; and

16 (v) in subparagraph (D), as redesign-  
 17 nated, by striking “Subparagraphs (A) and  
 18 (B)” and inserting “Subparagraph (A)”.

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

23 (c) COUNSEL.—



1           (1) APPOINTMENT OF COUNSEL.—Section  
 2           240(b)(4) of the Immigration and Nationality Act (8  
 3           U.S.C. 1229a(b)(4)) is amended—

4                   (A) in subparagraph (A), by striking the  
 5           comma at the end and inserting a semicolon;

6                   (B) in subparagraph (B), by striking “Act  
 7           , and” and inserting “Act;”;

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

10                  (D) by adding at the end the following:

11                   “(D) notwithstanding subparagraph (A), if  
 12           an indigent alien requests representation, such  
 13           representation shall be appointed by the court,  
 14           at the expense of the Government, for such pro-  
 15           ceedings.”.

16           (2) RIGHT TO COUNSEL.—Section 292 of such  
 17           Act (8 U.S.C. 1362) is amended—

18                   (A) by striking “In any removal” and in-  
 19           serting the following:

20                   “(a) IN GENERAL.—In any removal”;

21                   (B) in subsection (a), as redesignated, by  
 22           striking “he” and inserting “the person”; and

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

24                   “(b) COURT APPOINTMENT.—Notwithstanding sub-  
 25           section (a), if an indigent alien requests representation,

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

4 “(c) REFUGEE PROCEEDINGS.—In an interview re-  
 5 lating to admission under section 207, an alien shall have  
 6 the privilege of being represented, at no expense to the  
 7 Government, by such counsel, authorized to practice in  
 8 such proceedings, as the alien shall choose.”.

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

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

20 (2) RESETTLEMENT PROCESSING.—

21 (A) IN GENERAL.—If a refugee admitted  
 22 under section 207 of the Immigration and Na-  
 23 tionality Act (8 U.S.C. 1157) discloses informa-  
 24 tion to an employee or contractor of the Bureau  
 25 of Population, Refugees, and Migration of the

1 Department of State regarding the refugee's  
 2 sexual orientation or gender identity, the Sec-  
 3 retary of State, with the refugee's consent, shall  
 4 provide such information to the appropriate na-  
 5 tional resettlement agency—

6 (i) to prevent the refugee from being  
 7 placed in a community in which the ref-  
 8 ugee is likely to face continued discrimina-  
 9 tion; and

10 (ii) to place the refugee in a commu-  
 11 nity that offers services that meet the  
 12 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, in consultation  
 24 with the Secretary of State, shall establish a training  
 25 program for staff and translators who participate in

1 the interview process of aliens seeking asylum or sta-  
2 tus as a refugee.

3 (2) COMPONENTS OF TRAINING PROGRAM.—

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

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

8 (B) creating safe spaces and facilities for  
9 LGBTI 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. A pending criminal charge  
15 against the alien may not be the sole factor to  
16 justify the detention of the alien.

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

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

4 (ii) not more than 5 days.

5 (2) WEEKLY REVIEW REQUIRED.—

6 (A) IN GENERAL.—Not less frequently  
 7 than weekly, the Secretary of Homeland Secu-  
 8 rity shall conduct an individualized review of an  
 9 alien detained under paragraph (1)(B) to deter-  
 10 mine whether the alien should continue to be  
 11 detained under such paragraph.

12 (B) RELEASE.—Not later than 24 hours  
 13 after the Secretary determines under subpara-  
 14 graph (A) that an alien should not be detained  
 15 under paragraph (1)(B), the Secretary shall re-  
 16 lease the alien.

17 (g) PROTECTIVE CUSTODY FOR LGBTI ALIEN DE-  
 18 TAINES.—

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

23 (A) the alien requests placement in such  
 24 housing for the protection of the alien; or

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

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

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

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

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

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

1 **SEC. 10. ENGAGING INTERNATIONAL ORGANIZATIONS IN**  
2 **THE FIGHT AGAINST LGBTI DISCRIMINATION.**

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

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

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

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

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



lished in July 2016 at the Global LGBTI Human Rights Conference in Montevideo, Uruguay, and other multilateral mechanisms, to achieve the goals and outcomes described in subsection (a).

**SEC. 11. REPRESENTING THE RIGHTS OF UNITED STATES  
LGBTI CITIZENS DEPLOYED TO DIPLOMATIC  
AND CONSULAR POSTS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that, recognizing the importance of a diverse workforce in the representation of the United States abroad, and in support of sound personnel staffing policies, the Secretary of State should—

(1) prioritize efforts to ensure that foreign governments do not impede the assignment of United States LGBTI citizens and their families to diplomatic and consular posts;

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

(3) prioritize efforts to improve post and post school information for LGBTI employees and employees with LGBTI family members.

(b) REMEDIES FOR FAMILY VISA DENIAL.—

1           (1) IN GENERAL.—The Secretary of State shall  
2       use all appropriate diplomatic efforts to ensure that  
3       the families of LGBTI employees of the Department  
4       are issued visas from countries where such employ-  
5       ees are posted.

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

9           (A) a classified list of each country that  
10       has refused to grant accreditation to LGBTI  
11       employees of the Department or their family  
12       members during the most recent 2-year period;  
13       and

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

22       (c) IMPROVING POST INFORMATION AND OVERSEAS  
23       ENVIRONMENT FOR LGBTI ADULTS AND CHILDREN.—

24           (1) IN GENERAL.—The Secretary of State shall  
25       ensure that LGBTI employees and employees with

1       LGBTI family members have adequate information  
2       to pursue overseas postings, including country envi-  
3       ronment information for adults and children.

4               (2) NON-DISCRIMINATION POLICIES FOR U.S.  
5       GOVERNMENT SUPPORTED SCHOOLS.—The Sec-  
6       retary shall make every effort to ensure schools  
7       abroad that receive assistance and support from the  
8       United States Government under programs adminis-  
9       tered by the Office of Overseas Schools of the De-  
10      partment of State have active and clear non-  
11      discrimination policies, including policies relating to  
12      sexual orientation and gender identity impacting  
13      LGBTI children of all ages.

14              (3) REQUIRED INFORMATION FOR LGBTI CHIL-  
15      DREN.—The Secretary shall ensure that information  
16      focused on LGBTI children of all ages (including  
17      transgender and gender nonconforming students) is  
18      included in post reports, bidding materials, and Of-  
19      fice of Overseas Schools reports, databases, and ade-  
20      quacy lists.

