

116TH CONGRESS
1ST SESSION

H. R. 3874

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

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2019

Ms. TITUS (for herself, Mr. CICILLINE, Mr. LOWENTHAL, Mr. TAKANO, Mr. ENGEL, Ms. HAALAND, Ms. OMAR, Mrs. LOWEY, Mr. QUIGLEY, Mr. CISNEROS, Mr. HUFFMAN, Mr. PAPPAS, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. ESPAILLAT, Mr. LEVIN of Michigan, Mr. SWALWELL of California, Ms. PINGREE, Mr. KENNEDY, Ms. MOORE, Mr. PALLONE, Ms. MENG, Mr. GALLEGO, Ms. SCANLON, Mr. NADLER, Ms. WEXTON, Mr. SMITH of Washington, Mr. KEATING, Mr. GARCÍA of Illinois, Ms. SPEIER, Ms. JUDY CHU of California, Ms. WASSERMAN SCHULTZ, Mr. RASKIN, Mr. POCAN, Ms. LEE of California, Mr. JOHNSON of Georgia, Mr. SEAN PATRICK MALONEY of New York, Mr. TRONE, Mr. MCGOVERN, Mr. HIMES, Mrs. NAPOLITANO, Ms. DAVIDS of Kansas, Mr. SCHNEIDER, Mr. GOMEZ, Mr. KILDEE, Ms. HILL of California, Ms. CRAIG, Mr. SOTO, Mr. SIRES, Mr. SHERMAN, Ms. JAYAPAL, Mr. MALINOWSKI, and Mr. DELGADO) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Greater Leadership
3 Overseas for the Benefit of Equality Act of 2019” or the
4 “GLOBE Act of 2019”.

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, and intersex (LGBTI) peoples
11 in an overwhelming majority of countries around the
12 world, where LGBTI people face violence, hatred,
13 bigotry, and discrimination because of who they are
14 and whom they love.

15 (2) In at least 68 countries, or almost 40 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 LGBTI 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 LGBTI citizens.

10 (5) As documented by the State Department,
11 LGBTI individuals are subjected in many countries
12 to capricious imprisonment, loss of employment,
13 housing, access to health care, and societal stigma
14 and discrimination. LGBTI-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 LGBTI people.

20 (7) Anti-LGBTI laws and discrimination pose
21 significant risks for LGBTI 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 LGBTI youth.

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

8 (9) LGBTI populations are disproportionately
9 impacted by the Mexico City Policy, also widely re-
10 ferred to as the “global gag rule”, which has been
11 reinstated and expanded by President Donald J.
12 Trump. LGBTI people often receive much of their
13 healthcare through reproductive health clinics, and
14 organizations that cannot comply with the policy are
15 forced to discontinue work on United States-sup-
16 ported global health projects that are frequently
17 used by LGBTI populations, including HIV preven-
18 tion and treatment, stigma reduction, and research.

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

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

9 (11) According to the Trans Murder Monitoring
10 Project, which monitors homicides of transgender in-
11 dividuals there were at least 369 cases of reported
12 killings of trans and gender-diverse people between
13 October 2017 and September 2018, an increase over
14 previous years.

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

23 (13) Asylum and refugee protection are critical
24 last-resort protections for LGBTI individuals, but
25 those who seek such protections face ostracization

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

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

17 (15) In 2015, the Department of State estab-
18 lished the position of Special Envoy for the Human
19 Rights of LGBTI Persons.

20 (16) The use of United States diplomatic tools,
21 including the Department of State's exchange and
22 speaker programs, to address the human rights
23 needs of marginalized communities has helped in-
24 form public debates in many countries regarding the

1 protective responsibilities of any democratic govern-
2 ment.

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

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

18 (19) Those who represent the United States
19 abroad, including our diplomats, development spe-
20 cialists and military, should reflect the diversity of
21 our country and honor America's call to equality, in-
22 cluding through proud and open service abroad by
23 LGBTI Americans and those living with HIV.

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

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

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

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

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

13 (C) by adding at the end the following new
14 paragraph:

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

22 (2) in section 502B(b) (22 U.S.C. 2304(b)), by
23 inserting after the ninth sentence the following new
24 sentence: “Wherever applicable, such report shall
25 also include information regarding violence or dis-
26 crimination that affects the fundamental freedoms,

1 including widespread or systematic violation of the
2 freedoms of expression, association, or assembly of
3 an individual in foreign countries that is based on
4 actual or perceived sexual orientation, gender iden-
5 tity, or sex characteristics.”.

6 (b) REVIEW AT DIPLOMATIC AND CONSULAR
7 POSTS.—

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

15 (A) Incidents of violence against LGBTI
16 people in the country in which such post is lo-
17 cated.

18 (B) An analysis of the factors enabling or
19 aggravating such incidents, such as government
20 policy, societal pressure, or external actors.

21 (C) The response, whether public or pri-
22 vate, of the personnel of such post with respect
23 to such incidents.

24 (2) ADDRESSING BIAS-MOTIVATED VIOLENCE.—

25 The Secretary shall include in the annual strategic

1 plans of the regional bureaus concrete diplomatic
2 strategies, programs, and policies to address bias-
3 motivated violence using information obtained pursu-
4 ant to paragraph (1), such as programs to build ca-
5 pacity among civil society or governmental entities to
6 document, investigate, and prosecute instances of
7 such violence and provide support to victims of such
8 violence.

9 (c) INTERAGENCY GROUP.—

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

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

23 (A) coordinate the responses of each par-
24 ticipating agency with respect to threats di-

1 rected towards LGBTI populations in other
2 countries;

3 (B) develop longer-term approaches to poli-
4 icy developments and incidents negatively im-
5 pacting the LGBTI populations in specific
6 countries;

7 (C) advise the President on the designation
8 of foreign persons for sanctions pursuant to
9 section 4;

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

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

19 (d) SPECIAL ENVOY FOR THE HUMAN RIGHTS OF
20 LGBTI PEOPLES.—

21 (1) ESTABLISHMENT.—The Secretary of State
22 shall establish in the Bureau of Democracy, Human
23 Rights, and Labor (DRL) of the Department of
24 State a permanent Special Envoy for the Human
25 Rights of LGBTI Peoples (in this section referred to

1 as the “Special Envoy”), who shall be appointed by
2 the President. The Special Envoy shall report di-
3 rectly to the Assistant Secretary for DRL.

4 (2) 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 LGBTI people and communities internationally and
9 the advancement of human rights for LGBTI people,
10 and shall represent the United States internationally
11 in bilateral and multilateral engagement on such
12 matters.

13 (3) DUTIES.—

14 (A) IN GENERAL.—The Special Envoy—

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

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

1 programs for all other Federal agencies re-
2 lating to such matters;

3 (iii) shall represent the United States
4 in diplomatic matters relevant to the
5 human rights of LGBTI people, including
6 criminalization, discrimination, and vio-
7 lence against LGBTI people internation-
8 ally;

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

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

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

8 (vii) shall conduct regular consultation
9 with nongovernmental organizations work-
10 ing to prevent and respond to criminaliza-
11 tion, discrimination, and violence against
12 LGBTI people internationally;

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

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

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

17 **SEC. 4. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR**
18 **VIOLATIONS OF HUMAN RIGHTS AGAINST**
19 **LGBTI PEOPLE.**

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

1 governmental organizations that monitor violations of
2 human rights—

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

6 (A) cruel, inhuman, or degrading treat-
7 ment or punishment;

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

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

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

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

18 (3) is responsible for or complicit in inciting a
19 foreign person to engage in an activity described in
20 paragraph (1).

21 (b) FORM; UPDATES; REMOVAL.—

22 (1) FORM.—The list required by subsection (a)
23 shall be transmitted in unclassified form and pub-
24 lished in the Federal Register without regard to the
25 requirements of section 222(f) of the Immigration

1 and Nationality Act (8 U.S.C. 1202(f)) with respect
2 to confidentiality of records pertaining to the
3 issuance or refusal of visas or permits to enter the
4 United States, except that the President may include
5 a foreign person in a classified, unpublished annex
6 to such list if the President—

7 (A) determines that—

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

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

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

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

5 (3) REMOVAL.—A foreign person may be re-
6 moved from the list required by subsection (a) if the
7 President determines and reports to the appropriate
8 congressional committees not later than 15 days be-
9 fore the removal of such person from such list
10 that—

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

14 (B) such person has been prosecuted ap-
15 propriately for the activity in which such person
16 engaged; or

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

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

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

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

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

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

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

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

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

10 (e) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

11 (1) INELIGIBILITY FOR VISAS AND ADMISSION
12 TO THE UNITED STATES.—A foreign person on the
13 list required by subsection (a) is—

14 (A) inadmissible to the United States;

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

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

21 (2) CURRENT VISAS REVOKED.—

22 (A) IN GENERAL.—The issuing consular
23 officer or the Secretary of State (or a designee
24 of the Secretary of State), shall, in accordance
25 with section 221(i) of the Immigration and Na-

1 tionality Act (8 U.S.C. 1201(i)), revoke any
2 visa or other entry documentation issued to a
3 foreign person on the list required by subsection
4 (a) regardless of when the visa or other entry
5 documentation is issued.

6 (B) EFFECT OF REVOCATION.—A revoca-
7 tion under subparagraph (A) shall—

8 (i) take effect immediately; and

9 (ii) automatically cancel any other
10 valid visa or entry documentation that is in
11 the foreign person's possession.

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

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

1 1947, between the United Nations and the
2 United States, or other applicable international
3 obligations.

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

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

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

22 (i) is necessary to permit the United
23 States to comply with the Agreement be-
24 tween the United Nations and the United
25 States of America regarding the Head-

1 quarters of the United Nations, signed
2 June 26, 1947, and entered into force No-
3 vember 21, 1947, or other applicable inter-
4 national obligations of the United States;
5 or

6 (ii) is in the national security interests
7 of the United States.

8 (B) TIMING OF CERTAIN WAIVERS.—A
9 waiver pursuant to a determination under
10 clause (ii) of subparagraph (A) shall be trans-
11 mitted not later than 15 days before the grant-
12 ing of such waiver.

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

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

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

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

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

9 (g) DEFINITIONS.—In this section:

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

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

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

23 (2) FOREIGN PERSON.—The term “foreign per-
24 son” has the meaning given such term in section
25 595.304 of title 31, Code of Federal Regulations (as

1 in effect on the day before the date of the enactment
2 of this Act).

3 (3) 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 the enactment of this Act).

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

11 “(J) HUMAN RIGHTS VIOLATORS.—Any
12 alien who, while serving as an official of a for-
13 eign government, was responsible for or directly
14 carried out serious violations of the human
15 rights of LGBTI individuals or targeting
16 LGBTI people, is inadmissible.”.

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

19 (a) ANNUAL STRATEGIC REVIEW.—The Secretary of
20 State, in consultation with the Administrator of the
21 United States Agency for International Development, shall
22 include during the course of annual strategic planning an
23 examination of the progress made in countries around the
24 world toward the decriminalization of the status, expres-
25 sion, and conduct of LGBTI individuals, the obstacles that

1 remain toward achieving such decriminalization, and the
2 strategies available to the Department and the Agency to
3 address such obstacles.

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

6 (1) An examination of the full range of criminal
7 and civil laws of other countries that disproportion-
8 ately impact communities of LGBTI individuals or
9 apply with respect to the conduct of LGBTI individ-
10 uals.

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

14 (A) the Attorney General, acting through
15 the Office of Overseas Prosecutorial Develop-
16 ment Assistance and Training of the Depart-
17 ment of Justice, shall prioritize programs seek-
18 ing to—

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

21 (ii) monitor the trials of those pros-
22 ecuted because of such status, expression,
23 or conduct; and

1 (iii) reform related laws having a dis-
2 criminatory impact on LGBTI individuals;
3 and

4 (B) applicable speaker or exchange pro-
5 grams sponsored by the United States Govern-
6 ment shall bring together civil society and gov-
7 ernmental leaders to promote the recognition of
8 LGBTI rights through educational exchanges in
9 the United States and support better under-
10 standing of the role that governments and civil
11 societies mutually play in assurance of equal
12 treatment of LGBTI populations abroad.

13 **SEC. 6. FOREIGN ASSISTANCE TO PROTECT HUMAN RIGHTS**
14 **OF LGBTI PEOPLE.**

15 (a) GLOBAL EQUALITY FUND.—

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

1 (A) Ensuring the freedoms of assembly,
2 association, and expression.

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

7 (C) Advocating against laws that crim-
8 inalize LGBTI status, expression, or conduct or
9 discriminate against individuals on the basis of
10 sexual orientation, gender identity, or sex char-
11 acteristics.

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

15 (E) Building community awareness and
16 support for the human rights of LGBTI per-
17 sons.

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

24 (3) PRIORITIZATION.—In providing assistance
25 through the Global Equality Fund, the Secretary

1 shall ensure due consideration and appropriate
2 prioritization of assistance to groups that have his-
3 torically been excluded from programs undertaken
4 for the outcomes described in paragraph (1).

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

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

18 (2) To train LGBTI leaders to effectively par-
19 ticipate in democratic processes and lead civil insti-
20 tutions.

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

23 (4) To promote economic empowerment through
24 enhanced LGBTI entrepreneurship and business de-
25 velopment.

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

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

14 (e) LIMITATION ON ASSISTANCE RELATING TO
15 EQUAL ACCESS.—

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

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

1 or activity targets a population because of the
2 higher assessed risk of negative outcomes
3 among such populations;

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

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

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

19 **SEC. 7. GLOBAL HEALTH INCLUSIVITY.**

20 (a) IN GENERAL.—The Coordinator of United States
21 Government Activities to Combat HIV/AIDS Globally
22 shall develop mechanisms to ensure that the President’s
23 Emergency Plan for AIDS Relief (PEPFAR) is imple-
24 mented in a way that equitably serves LGBTI people in
25 accordance with the goals described in section 6(e), includ-

1 ing by requiring all partner entities receiving assistance
2 through PEPFAR to receive training on the health needs
3 of and human rights standards relating to LGBTI people,
4 and shall promptly notify Congress of any obstacles en-
5 countered by a foreign government or contractor, grantee,
6 or implementing partner in the effort to equitably imple-
7 ment PEPFAR as described in such subsection, including
8 any remedial steps taken by the Coordinator to overcome
9 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 to the appropriate
14 congressional committees a report describing the manner
15 in which commodities such as condoms provided by pro-
16 grams, projects, or activities funded through PEPFAR or
17 other sources of United States assistance have been used
18 as evidence to arrest, detain, or prosecute individuals in
19 other countries in order to enforce domestic laws criminal-
20 izing 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 to the ap-
24 propriate congressional committees a report describing the
25 impact of partner notification services and index testing

1 on treatment adherence, intimate partner violence, and ex-
2 posure to the criminal justice system for key populations,
3 including LGBTI people and sex workers, using quali-
4 tative and quantitative data.

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

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

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

21 (B) shall not be subject to requirements
22 relating to advocacy and lobbying activities with
23 respect to funds not provided by the United
24 States Government, other than requirements re-
25 lating to such activities that also apply to

1 United States nongovernmental organizations
2 receiving assistance authorized under such part

3 I.

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

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

9 and

10 (B) by redesignating subsection (g) as sub-
11 section (d).

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

17 (A) in paragraph (1)—

18 (i) by striking “shall—” and all that
19 follows through “(A) provide” and insert-
20 ing “shall provide”;

21 (ii) by striking “; and” and inserting
22 a period; and

23 (iii) by striking subparagraph (B);

24 and

25 (B) in paragraph (2)—

1 (i) by striking “PREVENTION STRAT-
 2 EGY.—” and all that follows through “In
 3 carrying out paragraph (1)” and inserting
 4 “PREVENTION STRATEGY.—In carrying
 5 out paragraph (1)”; and

6 (ii) by striking subparagraph (B).

7 (4) 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 **SEC. 8. IMMIGRATION REFORM.**

15 (a) REFUGEES AND ASYLUM SEEKERS.—

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

1 orientation or gender identity shall be deemed to
2 have a well founded fear of persecution on account
3 of membership in a particular social group.”.

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

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

13 (3) ASYLUM FILING DEADLINE REPEAL.—

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

17 (B) CONFORMING AMENDMENTS.—Section
18 208(a)(2) of the Immigration and Nationality
19 Act (8 U.S.C. 1158(a)(2)) is amended—

20 (i) in subparagraph (D)—

21 (I) by striking “notwithstanding
22 subparagraphs (B) and (C)” and in-
23 serting “notwithstanding subpara-
24 graph (C)”;

1 (II) by striking “either” after
2 “Attorney General”; and

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

8 (ii) in subparagraph (E), by striking
9 “Subparagraphs (A) and (B)” and insert-
10 ing “Subparagraph (A)”.

11 (C) APPLICATION.—The amendments
12 made by this paragraph shall apply to applica-
13 tions for asylum filed before, on, or after the
14 date of the enactment of this Act.

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

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

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

22 “(53) The term ‘marriage’ includes a permanent
23 partnership.

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

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

4 “(B) is financially interdependent with the
5 other individual;

6 “(C) is not married to anyone other than the
7 other individual;

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

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

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

16 (c) COUNSEL.—

17 (1) APPOINTMENT OF COUNSEL.—Section
18 240(b)(4) of the Immigration and Nationality Act (8
19 U.S.C. 1229a(b)(4)) is amended—

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

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

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

1 “(D) notwithstanding subparagraph (A), in
2 a case in which an indigent alien requests rep-
3 resentation, such representation shall be ap-
4 pointed by the court, at the expense of the Gov-
5 ernment, for such proceedings.”.

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

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

10 (B) by striking “he” and inserting “the
11 person”; and

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

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

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

23 (d) REFUGEE ADMISSIONS OF LGBTI ALIENS FROM
24 CERTAIN COUNTRIES.—

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

11 (2) RESETTLEMENT PROCESSING.—

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

1 (B) NATIONAL RESETTLEMENT AGENCIES
2 DEFINED.—The term “national resettlement
3 agency” means an agency contracting with the
4 Department of State to provide sponsorship and
5 initial resettlement services to refugees entering
6 the United States.

7 (e) TRAINING PROGRAM.—

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

16 (2) COMPONENTS OF TRAINING PROGRAM.—
17 The training program described in paragraph (1)
18 shall include instruction on—

19 (A) appropriate word choice and word
20 usage;

21 (B) creating safe spaces and facilities for
22 LGBTI aliens;

23 (C) confidentiality requirements; and

24 (D) nondiscrimination policies.

25 (f) LIMITATION ON DETENTION.—

1 (1) PRESUMPTION OF RELEASE.—

2 (A) IN GENERAL.—Notwithstanding any
3 other provision of law and except as provided in
4 subparagraphs (B) and (C), the Secretary of
5 Homeland Security—

6 (i) may not detain an alien who is a
7 member of a vulnerable group under any
8 provision of the Immigration and Nation-
9 ality Act (8 U.S.C. 1101 et seq.) pending
10 a decision with respect to whether the alien
11 is to be removed from the United States;
12 and

13 (ii) shall immediately release any de-
14 tained alien who is a member of a vulner-
15 able group.

16 (B) EXCEPTIONS.—The Secretary of
17 Homeland Security may detain, pursuant to the
18 Immigration and Nationality Act (8 U.S.C.
19 1101 et seq.), an alien who is a member of a
20 vulnerable group if the Secretary makes a de-
21 termination, using credible and individualized
22 information, that the use of alternatives to de-
23 tention will not reasonably assure the appear-
24 ance of the alien at removal proceedings, or
25 that the alien is a threat to another person or

1 the community. The fact that an alien has a
2 criminal charge pending against the alien may
3 not be the sole factor to justify the detention of
4 the alien.

5 (C) REMOVAL.—In a case in which deten-
6 tion is the least restrictive means of effec-
7 tuating the removal from the United States of
8 an alien who is a member of a vulnerable group,
9 the subject of a final order of deportation or re-
10 moval, and not detained under subparagraph
11 (B), the Secretary of Homeland Security may,
12 solely for the purpose of such removal, detain
13 the alien for a period that is—

14 (i) the shortest possible period imme-
15 diately preceding the removal of the alien
16 from the United States; and

17 (ii) not more than 5 days.

18 (2) WEEKLY REVIEW REQUIRED.—

19 (A) IN GENERAL.—With respect to an
20 alien detained under subparagraph (B) of para-
21 graph (1), not less frequently than once each
22 week, the Secretary of Homeland Security shall
23 conduct an individualized review to determine
24 whether the alien should continue to be de-
25 tained under such subparagraph.

1 (B) RELEASE.—In the case of a deter-
2 mination under subparagraph (A) that an alien
3 should not be detained under paragraph (1)(B),
4 not later than 24 hours after the date on which
5 the Secretary makes the determination, the Sec-
6 retary shall release the detainee.

7 (g) PROTECTIVE CUSTODY FOR LGBTI ALIEN DE-
8 TAINEEES.—

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

13 (A) the alien requests placement in such
14 housing for the protection of the alien; or

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

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

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

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

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

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

14 **SEC. 9. ENGAGING INTERNATIONAL ORGANIZATIONS IN**
15 **THE FIGHT AGAINST LGBTI DISCRIMINATION.**

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

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

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

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

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

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

19 **SEC. 10. REPRESENTING THE RIGHTS OF UNITED STATES**
20 **LGBTI CITIZENS DEPLOYED TO DIPLOMATIC**
21 **AND CONSULAR POSTS.**

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

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

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

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

12 (b) REMEDIES FOR FAMILY VISA DENIAL.—

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

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

21 (A) a classified list of each country that
22 has refused to grant accreditation to LGBTI
23 employees of the Department or their family
24 members in the prior two years; and

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

9 **SEC. 11. DEFINITIONS.**

10 In this Act:

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

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

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

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

23 (3) 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 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) to have a credible fear of persecu-
14 tion; or

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

○