**GLOBE ACT**

[**HR 3800**](https://www.congress.gov/bill/117th-congress/house-bill/3800/actions?r=1&s=2)

**Section 1: Short Title – “Greater Leadership Overseas for the Benefit of Equality (GLOBE) Act”**

**Section 2: Findings**

* + Note overarching democratic/human rights goals.
  + Places LGBTI efforts in that context.
  + Describes current climate for LGBTI rights, patterns of rights violations, negative health outcomes and economic disparities for LGBTI individuals.
  + Highlights heightened challenges facing transgender and intersex individuals.
  + Outlines broad-brush corresponding needs.
  + Recognizes harmful impact of “Global Gag Rule” on LGBTQI persons.
  + Acknowledges efforts to date including President Biden’s global LGBTQI directive.
  + Notes insufficiency, thus importance of whole-of-government approach.
  + Highlights importance of asylum/refugee protection as final protection tool in this context.
  + Recognizes the disproportionate impact of COVID-19 on LGBTQI communities.
  + References the importance of multilateral approaches and the parallel value of public-private efforts and partnerships.
  + Affirms the Supreme Court’s *Bostock* decision that prohibits employment discrimination on the basis of sexual orientation or gender identity.
  + Highlights public diplomacy tools and exchanges.
  + Recognizes the importance of including human rights protections for LGBTQI persons in trade agreements.
  + Posits importance of transparency in goals, efforts, funding.

**Section 3: Documenting and Responding to Bias-Motivated Violence Against LGBTI People Abroad**

* + **Codifies DOS annual human rights reporting** on incidents of violence or discrimination that affects LGBTI populations and their fundamental freedoms. [Parallels provisions in *International Human Rights Defense Act*.]
  + Diplomatic posts shall provide an analysis for the Secretary of State of factors enabling or aggravating this violence or discrimination and any steps (public or private) posts have taken to address those violation. This information shall be included in **regional strategic plans** for the State Department with tailored strategies to respond to the human rights concerns in each region.
  + Establishes an **interagency group** [building on the process established by the NSC under the Obama Administration] to respond to urgent threats directed at LGBTI populations, while developing longer term responses to human rights concerns, informing the President on appropriate sanctions designations, and identifying U.S. laws, policies or strategies that could be shared with other countries to support their response to violence and discrimination.
  + **Codifies State Department** **Special Envoy** for the Human Rights of LGBTI Persons within the Human Rights Bureau (DRL) who may have the rank of ambassador. [Parallels provisions in *International Human Rights Defense Act*.]
  + **International Law Enforcement Academies** (ILEAs) supported by United States assistance shall provide training on LGBTI rights and appropriate responses to hate violence.

**Section 4: Sanctions on Individuals Responsible for Violations of Human Rights Against LGBTI People**

* [The majority of this section is drawn from the *Global Respect Act*.]
* The President shall transmit to Congress a **list of foreign persons responsible for or complicit in human rights abuses targeting LGBTI individuals**, with appropriate procedures to add or remove individuals from the list, or to waive provisions of the law in the interest of national security.
* Subject to waivers, individuals and immediate family members designated on the list are **ineligible for U.S. visas or entry** to the United States and are **subject to removal** and the President shall **report annually** on actions to enforce this provision.
* It is the **sense of Congress that individuals on this list should be considered for additional sanctions designations under existing sanctions authorities**.
* The Immigration and Nationality Act (Section 212) is amended to add a **new INA exclusion for LGBTI persecution** for “any alien who, while serving as an official of a foreign government, was responsible for or directly carried out serious violations of the human rights of LGBTI people.” [Modeled on INA 212(a)(2)(G), which excludes “any alien who, while serving as a foreign government official, was responsible for or directly carried out, at any time, particularly severe violations of religious freedom.”]

**Section 5: Combating Criminalization of LGBTI Status, Expression or Conduct**

* + Secretary of State, with USAID Administrator, shall produce an **annual strategic review of decriminalization**, analyzing the progress and impediments to decriminalization of LGBTI status, expression or conduct globally. They also shall identify, together with the Attorney General, countries that would benefit from U.S. criminal justice or rule of law programming or other public diplomacy programs in support of decriminalization and law reform.

**Section 6: Foreign Assistance to Protect Human Rights of LGBTI People**

* + **Sense of Congress** that recipients of U.S. foreign assistance must provide **employment nondiscrimination protections** on the basis of sexual orientation and gender identity.
  + **Codifies the Global Equality Fund** (GEF) in the State Department to protect human rights defenders and provide technical assistance and other capacity-building support for nascent human rights and LGBTI rights organizations.
  + **Codifies the LGBTI Global Development Partnership** (GDP) at USAID for similar purposes.
  + Secretary of State shall **report annually** to Congress on the work of these funds.
  + **Codifies non-discrimination in service delivery and employment** for all programs and services funded by U.S. assistance through any foreign affairs agency, contractor, subcontractor or implementing partner and their subs. Secretary of State to **report quarterly on monitoring** of this provision.

**Section 7: Global Health Inclusivity**

* + Requires **PEPFAR monitoring of non-discrimination provisions**.
  + Requires a **PEPFAR report describing criminal sanctions for the use of PEPFAR-funded commodities**, such as condoms, including cases where access to PEFAR-funded good or services is used as evidence to arrest, detain or prosecute individuals to enforce domestic laws on sex work or consensual sexual activity.
  + Requires reports detailing the negative impacts of the **global gag rule and** **PEPFAR index testing** and partner notification on LGBTQI communities.
  + **Removes existing limitations based on “Global Gag Rule” [House version only] and “Anti-Prostitution Pledge.”**

**Section 8: Immigration Reform**

* **Codifies LGBTI identities as a social group in INA** for asylum and refugee determinations.
* **Requires statistical reporting by USCIS** on the number of refugee/asylum determinations based on LGBTI protection grounds.
* **Repeals 1-year filing deadline for all asylum cases**. [Based on numerous immigration bills.]
* Mandates **equal treatment in all US immigration proceedings for unmarried same-sex immigrant partners** who come from countries where same-sex marriage is not available.
* Provides a **right to counsel in immigration removal** proceedings in the United States and the **opportunity to be represented by counsel in refugee determination** proceedings overseas.
* Creates **“Priority 2” or “P2” processing to streamline LGBTI applications** to the US Refugee Admissions Program overseas. [Expands existing “P2” eligibility.]
* Encourages LGBTI persons to disclose LGBTI identities during US refugee admission determinations and creates training program to ensure environment where they feel safe disclosing; guarantees **LGBTI-sensitive (and VOLAG-appropriate) refugee resettlements to the United States.**
* Provides for **presumptive release of LGBTI individuals from immigration detention**; limits segregation for LGBTI individuals remaining in immigration detention. [Based on *Dignity for Detained Immigrants* bill.]
* **Sense of Congress** that DHS should hire sufficient number of Refugee Corps officers for **refugee interviews to be held within 180 days.**

**Section 9: Issuance of Passports and Guarantee of Citizenship to Certain Children Born Abroad**

* State Department to allow self-selection of gender markers including **non-binary (“X marker”) designations on passports**, consular reports of births abroad, and other documents.
* Guarantees **U.S. citizenship for children born abroad** **to U.S. same-sex couples** using assistive reproduction technology (affirming recent court decisions).

**Section 10: Engaging International Organizations in the Fight Against LGBTI Discrimination**

* + **Sense of Congress that the U.S. should lead on efforts in the United Nations** to ensure that human rights norms, development principles, and political rights are fully inclusive of LGBTI populations.
  + **Sense of Congress that the U.S. should lead on efforts within international financial institutions**, including the World Bank and regional development banks, similarly should be used to leverage economic development goals that are fully inclusive of all populations, including LGBTI.
  + Secretary of State should seek appropriate opportunities to encourage fairness toward LGBTI populations in discussions with and/or participation in the full range of **regional fora** with which we engage. These include the Organization of American States, the Organization for Security and Cooperation in Europe, the European Union, the African Union, and ASEAN.
  + Secretary of State shall promote diplomatic coordination through the **Equal Rights Coalition**.

**Section 11: Representing the Rights of United States LGBTI Citizens Deployed to Diplomatic and Consular Posts**

* + **Sense of Congress** that the Secretary of State should **prioritize efforts to ensure that foreign governments do not impede assignment of U.S. LGBTI citizens and families abroad** to serve in U.S. diplomatic and consular posts; support visa requests by U.S. business for their LGBTI employees working abroad.
  + Secretary of State shall use appropriate **diplomatic efforts to ensure visas for LGBTI families in posts abroad.**
  + Secretary of State shall submit a **classified report to Congress listing countries that refuse to grant accreditation to LGBTI employees of the State Department or their families**, including efforts taken in response.
  + Requires additional State Department **information on protections and services for LGBTQI employees and family members serving in foreign posts**.

**Section 12: Definitions**

* Limited definitions taken from the Equality Act.