

116TH CONGRESS  
1ST SESSION

# S. 861

To establish in the Bureau of Democracy, Human Rights, and Labor of the Department of State a Special Envoy for the Human Rights of LGBTI Peoples, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 25, 2019

Mr. MARKEY (for himself, Ms. WARREN, Mr. BLUMENTHAL, Mrs. SHAHEEN, Mr. DURBIN, Mr. CARDIN, Mr. CASEY, Ms. KLOBUCHAR, Ms. SMITH, Ms. BALDWIN, Mr. MERKLEY, Ms. STABENOW, Mr. WYDEN, Ms. HIRONO, Mr. REED, Mrs. GILLIBRAND, Mr. SANDERS, Ms. HARRIS, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To establish in the Bureau of Democracy, Human Rights, and Labor of the Department of State a Special Envoy for the Human Rights of LGBTI Peoples, 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.**

4 This Act may be cited as the “International Human  
5 Rights Defense Act of 2019”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

6 (A) the Committee on Foreign Relations  
7 and the Committee on Appropriations of the  
8 Senate; and

9 (B) the Committee on Foreign Affairs and  
10 the Committee on Appropriations of the House  
11 of Representatives.

12 (2) **GENDER IDENTITY.**—The term “gender  
13 identity” means the gender-related identity, appear-  
14 ance, or mannerisms or other gender-related charac-  
15 teristics of an individual, regardless of the individ-  
16 ual’s designated sex at birth.

17 (3) **LGBTI.**—The term “LGBTI” means les-  
18 bian, gay, bisexual, transgender, or intersex.

19 (4) **INTERSEX.**—The term “intersex” means in-  
20 dividuals born with sex characteristics (including  
21 genitals, gonads, or chromosome patterns) that vary  
22 from typical binary notions of male or female bodies  
23 and is an umbrella term used to describe a wide  
24 range of natural bodily variations.

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

4 **SEC. 3. FINDINGS.**

5           Congress makes the following findings:

6           (1) Around the world, LGBTI people face vio-  
7           lence, discrimination, hatred, and bigotry.

8           (2) Sixty-nine countries criminalize same-sex re-  
9           lations and at least three countries prohibit the pub-  
10          lic support of the LGBTI community. That is equal  
11          to 35 percent of United Nations member states.

12          (3) In several countries, homosexuality is a  
13          crime that is punishable by death.

14          (4) Intersex people experience prejudice and  
15          discrimination because their bodies do not conform  
16          to other people’s expectations about sex and gender,  
17          including the common performance of medically un-  
18          necessary surgeries without the consent or approval  
19          of intersex individuals.

20          (5) Violence and discrimination based on sexual  
21          orientation and gender identity are documented in  
22          the Department of State’s annual Human Rights  
23          Report to Congress. The 2017 report continues to  
24          show a clear pattern of human rights violations in  
25          every region of the world based on sexual orientation

1 and gender identity. These violations include mur-  
2 der, rape, torture, death threats, extortion, and im-  
3 prisonment, as well as loss of employment, housing,  
4 access to health care, and other forms of societal  
5 stigma and discrimination. The report further docu-  
6 ments LGBTI-specific restrictions on basic freedoms  
7 of assembly, press, and speech in every region of the  
8 world.

9 (6) In Jamaica and other countries, discrimina-  
10 tion against LGBTI people, including “corrective  
11 rape” of lesbian women, occurs all too frequently  
12 and with relative impunity.

13 (7) In 2013, the Russian Duma passed a law  
14 banning so-called “homosexual propaganda”, which  
15 effectively makes it a crime to publicly support  
16 LGBTI equality or even discuss homosexuality. This  
17 pernicious law is the basis for similar so-called  
18 “antipropaganda” legislation in countries across  
19 Eastern Europe and Central Asia, including in  
20 Moldova, Kyrgyzstan, and Belarus.

21 (8) In December 2013, the Government of Ni-  
22 geria adopted a law that further criminalized same-  
23 sex relations and support for LGBTI people, endan-  
24 gering neighbors, friends, doctors, and landlords of  
25 LGBTI people.

1           (9) Several countries in South Asia continue to  
2 have draconian laws that criminalize homosexual  
3 acts, which place LGBTI people in danger and un-  
4 dermine their ability to live free from persecution.

5           (10) In February 2014, the Government of  
6 Uganda adopted a law making “aggravated homo-  
7 sexuality” a crime punishable with life imprisonment  
8 and concurrently, the Government of Uganda also  
9 passed laws severely limiting the basic freedoms of  
10 speech and assembly for LGBTI citizens. While the  
11 Constitutional Court overturned the Anti-Homosex-  
12 uality Act on a technicality in August 2014, LGBTI  
13 Ugandans continue to be subjected to discrimination  
14 and violence, and their government has in recent  
15 years forcibly shut down even private Pride celebra-  
16 tions in Kampala.

17           (11) On April 1, 2017, the Russian newspaper  
18 Novaya Gazeta reported that the government of the  
19 autonomous republic of Chechnya had been arrest-  
20 ing, detaining, and torturing gay and bisexual men  
21 in secret prisons since early 2017. International  
22 human rights groups and Russian LGBTI rights ac-  
23 tivists estimate that as many as 20 people may have  
24 been murdered thus far and potentially over 200  
25 people were detained during the purge. An OSCE

1 factfinding report released in December 2018 con-  
2 firmed the atrocities, documenting “several waves of  
3 violations of human rights abuses of persons based  
4 on their sexual orientation and gender identity”. Re-  
5 ports from early 2019 suggest the purge has contin-  
6 ued.

7 (12) On May 23, 2017, and again on July 13,  
8 2018, gay men were publicly caned in the Indo-  
9 nesian province of Aceh, while thousands of spec-  
10 tators snapped pictures outside a mosque as the bru-  
11 tal punishment was meted out. Several times in  
12 2017, police in Indonesia have arrested men at pri-  
13 vate parties, sometimes releasing their photographs  
14 to the news media, endangering their lives.

15 (13) In September 2017, reports emerged from  
16 Azerbaijan that authorities had begun a crackdown  
17 on gay men and transgender women, arresting more  
18 than 60 and subjecting them to beatings, harass-  
19 ment, torture, and blackmail.

20 (14) From September through December 2017,  
21 over 70 LGBTI individuals were arrested in Egypt,  
22 with dozens receiving prison sentences of up to six  
23 years. In late 2017, authorities in Egypt instructed  
24 local media to delete any positive references to  
25 LGBTI people, and lawmakers proposed a bill that

1 would criminalize LGBTI people and their allies.  
2 The arrests continued in 2018, with a Cairo-based  
3 LGBTI rights organization documenting 76 arrests  
4 for alleged same-sex conduct in 2018.

5 (15) Anti-LGBTI laws not only endanger all  
6 LGBTI individuals, but also pose serious risks for  
7 those associated with or caring for LGBTI people.  
8 Studies have shown that when LGBTI people, espe-  
9 cially LGBTI youth, face discrimination, they are  
10 less likely to seek HIV testing, prevention, and  
11 treatment services.

12 (16) According to the Trans Murder Monitoring  
13 Project, which monitors homicides of transgender in-  
14 dividuals, there were at least 369 cases of reported  
15 killings of trans and gender-diverse people between  
16 October 2017 and September 2018, an increase over  
17 previous years. The organization reports that a “ma-  
18 jority of the murders occurred in Brazil (167), Mex-  
19 ico (71), the United States (28), and Colombia (21),  
20 adding up to a total of 2982 reported cases in 72  
21 countries worldwide between 1st of January 2008  
22 and 30th of September 2018”.

23 (17) According to the International Guidelines  
24 on HIV/AIDS and Human Rights, as published by  
25 the United Nations High Commissioner for Human

1 Rights, and according to the July 2017 report of the  
2 Independent Expert on protection against violence  
3 and discrimination based on sexual orientation and  
4 gender identity, countries should review and reform  
5 criminal laws and correctional systems to ensure  
6 that they are consistent with international human  
7 rights obligations and are not misused or targeted  
8 against vulnerable groups.

9 (18) Removing institutionalized discrimination  
10 and targeted persecution against LGBTI people  
11 around the world is a critical step in the promotion  
12 of human rights and global health internationally.

13 (19) Anti-LGBTI laws and discrimination pose  
14 significant risks for LGBTI youth who come out to  
15 their family or community and often face rejection,  
16 homelessness, and limited educational and economic  
17 opportunities. These factors contribute to increased  
18 risks of substance abuse, suicide, and HIV infection  
19 among LGBTI youth.

20 (20) On December 6, 2011, President Barack  
21 Obama released the “Presidential Memorandum—  
22 International Initiatives to Advance the Human  
23 Rights of Lesbian, Gay, Bisexual, and Transgender  
24 Persons”. The memorandum directed all Federal  
25 agencies engaged abroad to ensure that United



1 States diplomacy and foreign assistance promote and  
2 protect the human rights of LGBTI persons.

3 (21) On February 23, 2015, Secretary of State  
4 John Kerry appointed senior diplomat Randy Berry  
5 as the Department of State's first-ever Special  
6 Envoy for the Human Rights of LGBTI Persons.  
7 Secretary Pompeo pledged to re-fill that position  
8 during his April 2018 confirmation hearing, but has  
9 yet to do so.

10 (22) On June 30, 2016, the United Nations  
11 Human Rights Council passed a resolution cospon-  
12 sored by the United States that established an inde-  
13 pendent expert on violence and discrimination based  
14 on sexual orientation and gender identity to help  
15 monitor and track discrimination and violence expe-  
16 rienced by LGBTI persons around the world.

17 (23) In November 2016, the Government of  
18 Tanzania placed a ban on all HIV and AIDS out-  
19 reach projects aimed at gay men, including those  
20 funded by the President's Emergency Plan for AIDS  
21 Relief. This forced the closure of United States-  
22 funded programs providing testing, condoms, and  
23 care to gay men, exacerbating the health needs of  
24 gay men in Tanzania, about 30 percent of whom are  
25 HIV positive. In 2018, various government officials

1 have announced crackdowns on the LGBTI commu-  
2 nity, including a threat by the governor of the larg-  
3 est city, who announced a purge on LGBTI individ-  
4 uals and asked the public to report them. Reports  
5 suggest that many people have been arrested and  
6 more are in hiding.

7 (24) In February 2017, three transgender  
8 women were murdered in El Salvador with impunity,  
9 leading the United Nations to call for an investiga-  
10 tion into crimes against sexual and gender minorities  
11 in that country. A 2016 report noted that  
12 transgender women in El Salvador have an average  
13 life expectancy of less than 35 years due to violence,  
14 discrimination, and femicide.

15 (25) Extreme violence in El Salvador, Nica-  
16 ragua, Guatemala, and Honduras has driven LGBTI  
17 people to flee their countries or origin to the United  
18 States for protection. LGBTI people were among the  
19 first asylum seekers in the migrant “caravans” ar-  
20 riving at the United States-Mexico border.

21 (26) At the annual Summit of Commonwealth  
22 Nations in April 2018, United Kingdom Prime Min-  
23 ister Theresa May issued an apology for discrimina-  
24 tory laws criminalizing same-sex relationships that  
25 were imposed on British colonies around the world.

1 She also announced the creation of a fund to sup-  
2 port legal reform efforts.

3 (27) In April 2018, Trinidad and Tobago’s  
4 High Court of Justice issued a landmark ruling de-  
5 claring that laws which criminalize same-sex rela-  
6 tionships between consenting adults are unconstitu-  
7 tional.

8 (28) In April 2014, the Supreme Court of India  
9 recognized transgender people as a third gender, im-  
10 proving the legal rights of transgender people in that  
11 country. Though an important step, the decision  
12 does not grant full legal rights to transgender peo-  
13 ple.

14 (29) In September 2018, the Supreme Court of  
15 India issued a unanimous decision decriminalizing  
16 same-sex relationships across the country. The land-  
17 mark case is likely to support similar legal chal-  
18 lenges to colonial-era sodomy laws in other former  
19 British colonies, since the Indian sodomy law was  
20 the model used for other British colonies.

21 (30) Angola decriminalized same-sex relation-  
22 ships in January 2019, and prohibited discrimina-  
23 tion against people on the basis of sexual orienta-  
24 tion.

1           (31) In January 2018, the Inter-American  
2 Court of Human Rights issued an advisory opinion  
3 declaring that the American Convention on Human  
4 Rights, adopted at San Jose November 22, 1969,  
5 grants the right of transgender people to change  
6 their name and gender on public documents, and  
7 that same-sex couples must be granted full legal  
8 rights, including the right to marriage. This ruling  
9 is animating legal reforms and human rights cases  
10 across the Americas.

11           (32) In September 2018, the legislature in  
12 Chile passed a groundbreaking legal gender recogni-  
13 tion law, which allows transgender individuals to  
14 self-determine their legal gender in official docu-  
15 ments without a judicial determination or medical  
16 interventions. The Government of Uruguay passed a  
17 similarly expansive gender recognition law in 2018.

18 **SEC. 4. STATEMENT OF POLICY.**

19 It is the policy of the United States—

20           (1) to take effective action to prevent and re-  
21 spond to discrimination and violence against all peo-  
22 ple on any basis internationally, including sexual ori-  
23 entation, gender identity, and sex characteristics,  
24 and that human rights policy includes attention to

1 criminalization, hate crimes, and other discrimina-  
2 tion against LGBTI people;

3 (2) to systematically integrate and coordinate  
4 into United States foreign policy efforts to prevent  
5 and respond to criminalization, discrimination, and  
6 violence against LGBTI people internationally;

7 (3) to support and build local capacity in coun-  
8 tries around the world, including of governments at  
9 all levels and nongovernmental organizations, to pre-  
10 vent and respond to criminalization, discrimination,  
11 and violence against LGBTI people internationally;

12 (4) to consult, cooperate, coordinate, and col-  
13 laborate with a wide variety of nongovernmental  
14 partners, including faith-based organizations and  
15 LGBTI-led organizations, with demonstrated experi-  
16 ence in preventing and responding to criminalization,  
17 discrimination, and violence against LGBTI people  
18 internationally;

19 (5) to employ a multisectoral approach to pre-  
20 venting and responding to criminalization, discrimi-  
21 nation, and violence against LGBTI people inter-  
22 nationally, including activities in the economic, edu-  
23 cation, health, nutrition, legal, and judicial sectors;

24 (6) to work at all levels, from the individual to  
25 the family, community, local, national, and inter-

1 national levels, to prevent and respond to criminal-  
2 ization, discrimination, and violence against LGBTI  
3 people internationally;

4 (7) to enhance training by United States per-  
5 sonnel of professional foreign military and police  
6 forces and judicial officials to include appropriate  
7 and thorough LGBTI-specific instruction on pre-  
8 venting and responding to criminalization, discrimi-  
9 nation, and violence based on sexual orientation and  
10 gender identity;

11 (8) to engage non-LGBTI people as allies and  
12 partners, as an essential element of making sus-  
13 tained reductions in criminalization, discrimination,  
14 and violence against LGBTI people internationally;

15 (9) to require that all Federal contractors and  
16 grant recipients in the United States Government's  
17 international programs establish appropriate policies  
18 and take effective measures to ensure the protection  
19 and safety of their staff and workplace, including  
20 from discrimination and violence directed against  
21 LGBTI people and those who provide services to  
22 them;

23 (10) to exert sustained international leadership,  
24 including in bilateral and multilateral fora, to pre-

1 vent and respond to criminalization, discrimination,  
2 and violence against LGBTI people internationally;

3 (11) to fully implement and expand upon the  
4 policies outlined in the “Presidential Memo-  
5 randum—International Initiatives to Advance the  
6 Human Rights of Lesbian, Gay, Bisexual, and  
7 Transgender Persons”;

8 (12) to ensure that international efforts to com-  
9 bat HIV/AIDS take all appropriate measures to sup-  
10 port at-risk communities, including LGBTI people,  
11 and to create enabling legal environments for these  
12 communities;

13 (13) to work with governments and nongovern-  
14 mental partners around the world to develop and im-  
15 plement regional strategies to decriminalize homo-  
16 sexuality and to counteract the prohibition of public  
17 support of LGBTI people; and

18 (14) to ensure that those who have a well-  
19 founded fear of persecution on account of being  
20 LGBTI or supporting LGBTI rights have the oppor-  
21 tunity to seek protection in the United States.

22 **SEC. 5. SPECIAL ENVOY FOR THE HUMAN RIGHTS OF LGBTI**  
23 **PEOPLE.**

24 (a) ESTABLISHMENT.—The Secretary of State shall  
25 establish in the Bureau of Democracy, Human Rights,

1 and Labor (DRL) of the Department of State a perma-  
2 nent Special Envoy for the Human Rights of LGBTI Peo-  
3 ples (in this section referred to as the “Special Envoy”),  
4 who shall be appointed by the President. The Special  
5 Envoy shall report directly to the Assistant Secretary for  
6 Democracy, Human Rights, and Labor.

7 (b) PURPOSE.—In addition to the duties described in  
8 subsection (c) and those duties determined by the Sec-  
9 retary of State, the Special Envoy shall direct efforts of  
10 the United States Government relating to United States  
11 foreign policy, as directed by the Secretary, regarding  
12 human rights abuses against LGBTI people and commu-  
13 nities internationally and the advancement of human  
14 rights for LGBTI people, and shall represent the United  
15 States internationally in bilateral and multilateral engage-  
16 ment on such matters.

17 (c) DUTIES.—

18 (1) IN GENERAL.—The Special Envoy—

19 (A) shall serve as the principal advisor to  
20 the Secretary of State regarding human rights  
21 for LGBTI people internationally;

22 (B) shall, notwithstanding any other provi-  
23 sion of law, direct activities, policies, programs,  
24 and funding relating to the human rights of  
25 LGBTI people and the advancement of LGBTI



1 equality initiatives internationally, for all bu-  
2 reaus and offices of the Department of State,  
3 and shall lead the coordination of relevant  
4 international programs for all other Federal  
5 agencies relating to such matters;

6 (C) shall represent the United States in  
7 diplomatic matters relevant to the human rights  
8 of LGBTI people, including criminalization, dis-  
9 crimination, and violence against LGBTI people  
10 internationally;

11 (D) shall direct, as appropriate, United  
12 States Government resources to respond to  
13 needs for protection, integration, resettlement,  
14 and empowerment of LGBTI people in United  
15 States Government policies and international  
16 programs, including to prevent and respond to  
17 criminalization, discrimination, and violence  
18 against LGBTI people internationally;

19 (E) shall design, support, and implement  
20 activities regarding support, education, resettle-  
21 ment, and empowerment of LGBTI people  
22 internationally, including for the prevention and  
23 response to criminalization, discrimination, and  
24 violence against LGBTI people internationally;

1 (F) shall lead interagency coordination be-  
2 tween the foreign policy priorities related to the  
3 human rights of LGBTI people and the devel-  
4 opment assistance priorities of the LGBTI Co-  
5 ordinator of the United States Agency for  
6 International Development;

7 (G) shall conduct regular consultation with  
8 nongovernmental organizations working to pre-  
9 vent and respond to criminalization, discrimina-  
10 tion, and violence against LGBTI people inter-  
11 nationally;

12 (H) shall ensure that programs, projects,  
13 and activities of the Department of State and  
14 the United States Agency for International De-  
15 velopment designed to prevent and respond to  
16 criminalization, discrimination, and violence  
17 against LGBTI people internationally are sub-  
18 ject to rigorous monitoring and evaluation, and  
19 that there is a uniform set of indicators and  
20 standards for such monitoring and evaluation  
21 that is used across international programs in  
22 Federal agencies; and

23 (I) is authorized to represent the United  
24 States in bilateral and multilateral fora on mat-  
25 ters relevant to the human rights of LGBTI

1 people internationally, including criminalization,  
2 discrimination, and violence against LGBTI  
3 people internationally.

4 (2) DATA REPOSITORY.—The Bureau of De-  
5 mocracy, Human Rights, and Labor shall—

6 (A) be the central repository of data on all  
7 United States programs, projects, and activities  
8 that relate to prevention and response to crim-  
9 inalization, discrimination, and violence against  
10 LGBTI people internationally; and

11 (B) produce—

12 (i) a full accounting of United States  
13 Government spending on such programs,  
14 projects, and activities; and

15 (ii) evaluations of the effectiveness of  
16 such programs, projects, and activities.

17 (d) BRIEFINGS AND ASSESSMENTS.—Not later than  
18 180 days after the date of the enactment of this Act and  
19 annually thereafter, the Special Envoy shall—

20 (1) brief the appropriate congressional commit-  
21 tees on the status of the human rights of LGBTI  
22 people internationally, as well as on the status of  
23 programs and response strategies to address crim-  
24 inalization, discrimination, and violence against  
25 LGBTI people internationally; and

1           (2) submit to the appropriate congressional  
2 committees an assessment of human and financial  
3 resources necessary to fulfill the purposes and duties  
4 of this Act.

5           (e) UNITED STATES POLICY TO PREVENT AND RE-  
6 SPOND TO CRIMINALIZATION, DISCRIMINATION, AND VIO-  
7 LENCE AGAINST LGBTI PEOPLE GLOBALLY.—

8           (1) GLOBAL STRATEGY REQUIREMENT.—Not  
9 later than 180 days after the date of the enactment  
10 of this Act, and annually thereafter for each of the  
11 following five years, the Special Envoy shall develop  
12 or update, as the case may be, a United States glob-  
13 al strategy to prevent and respond to criminaliza-  
14 tion, discrimination, and violence against LGBTI  
15 people internationally. The Special Envoy shall sub-  
16 mit the global strategy to the appropriate congress-  
17 sional committees and, if practicable, make the glob-  
18 al strategy available to the public.

19           (2) COLLABORATION AND COORDINATION.—In  
20 developing the global strategy required under para-  
21 graph (1), the Special Envoy shall consult with—

22                   (A) mid- and high-level officials of relevant  
23 Federal agencies; and

24                   (B) representatives of nongovernmental or-  
25 ganizations with demonstrated experience in ad-

1           dressing criminalization, discrimination, and vi-  
2           olence against LGBTI people internationally or  
3           promoting equal rights for LGBTI people inter-  
4           nationally.

5           (f) MONITORING THE UNITED STATES STRATEGY TO  
6 PREVENT AND RESPOND TO CRIMINALIZATION, DISCRIMI-  
7 NATION, AND VIOLENCE AGAINST LGBTI PEOPLE AND  
8 COMMUNITIES INTERNATIONALLY.—

9           (1) IN GENERAL.—In each global strategy sub-  
10          mitted under subsection (e), the Special Envoy shall  
11          include an analysis of best practices for preventing  
12          and addressing criminalization, discrimination, and  
13          violence against LGBTI people and communities  
14          internationally, including—

15                (A) a description of successful efforts by  
16                foreign governments and nongovernmental or-  
17                ganizations to prevent and respond to criminal-  
18                ization, discrimination, and violence against  
19                LGBTI people and communities internationally;

20                (B) recommendations related to best prac-  
21                tices, effective strategies, and improvements to  
22                enhance the impact of such prevention and re-  
23                sponse efforts; and

24                (C) the impact of activities funded by the  
25                global strategy in preventing and reducing

1 criminalization, discrimination, and violence  
2 against LGBTI people and communities inter-  
3 nationally.

4 (2) INFORMATION REQUIRED TO BE INCLUDED  
5 IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS  
6 PRACTICES.—

7 (A) SECTION 116.—Section 116(d) of the  
8 Foreign Assistance Act of 1961 (22 U.S.C.  
9 2151n(d)) is amended—

10 (i) in paragraph (11)(C), by striking  
11 “; and” and inserting a semicolon;

12 (ii) in paragraph (12)(C)(ii), by strik-  
13 ing the period at the end and inserting “;  
14 and”; and

15 (iii) by adding at the end the fol-  
16 lowing new paragraph:

17 “(13) wherever applicable, the nature and ex-  
18 tent of criminalization, discrimination, and violence  
19 based on sexual orientation and gender identity, in-  
20 cluding an identification of those countries that have  
21 adopted laws or constitutional provisions that crim-  
22 inalize or discriminate based on sexual orientation or  
23 gender identity (as those terms are defined in sec-  
24 tion 2 of the International Human Rights Defense

1 Act of 2018), including detailed descriptions of such  
2 laws and provisions.”.

3 (B) SECTION 502B.—Section 502B of the  
4 Foreign Assistance Act of 1961 (22 U.S.C.  
5 2304) is amended—

6 (i) by redesignating the second sub-  
7 section (i) (relating to child marriage sta-  
8 tus) as subsection (j); and

9 (ii) by adding at the end the following  
10 new subsection:

11 “(k) SEXUAL ORIENTATION AND GENDER IDEN-  
12 TITY.—The report required under subsection (b) shall in-  
13 clude, wherever applicable, the nature and extent of crim-  
14 inalization, discrimination, and violence based on sexual  
15 orientation and gender identity, including an identification  
16 of those countries that have adopted laws or constitutional  
17 provisions that criminalize or discriminate based on sexual  
18 orientation or gender identity (as those terms are defined  
19 in section 2 of the International Human Rights Defense  
20 Act of 2018), including detailed descriptions of such laws  
21 and provisions.”.

1 **SEC. 6. IMPLEMENTATION OF THE UNITED STATES STRAT-**  
2 **EGY TO PREVENT AND RESPOND TO CRIM-**  
3 **INALIZATION, DISCRIMINATION, AND VIO-**  
4 **LENCE AGAINST LGBTI PEOPLE AND COMMU-**  
5 **NITIES INTERNATIONALLY.**

6 The Secretary of State and the Administrator of the  
7 United States Agency for International Development are  
8 authorized to provide assistance to prevent and respond  
9 to criminalization, discrimination, and violence against  
10 LGBTI people internationally. Such assistance may in-  
11 clude the following activities:

12 (1) Development and implementation of pro-  
13 grams, such as the Global Equality Fund of the De-  
14 partment of State, that respond to human rights  
15 abuses and economic exclusion of LGBTI people in  
16 the workplace and in public.

17 (2) Development and enforcement of civil and  
18 criminal legal and judicial sanctions, protection,  
19 training, and capacity.

20 (3) Enhancement of health sector capacity to  
21 detect, prevent, and respond to violence against  
22 LGBTI people and communities internationally, and  
23 to combat HIV/AIDS in the LGBTI community  
24 internationally, in close coordination with the Office  
25 of the Global AIDS Coordinator and Health Diplo-  
26 macy of the Department of State.



- 1           (4) Development of a leadership program for
- 2           international LGBTI activists that will foster col-
- 3           laboration and knowledge sharing across the world.

