

117TH CONGRESS
1ST SESSION

S. 424

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2021

Mr. MARKEY (for himself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mrs. FEINSTEIN, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SINEMA, Ms. SMITH, Ms. STABENOW, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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 LGBTQI 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 2021”.

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

23 (4) LGBTQI.—The term “LGBTQI” means
24 lesbian, gay, bisexual, transgender, queer, or
25 intersex.

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, LGBTQI 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 LGBTQI community. That is
11 equal to 35 percent of United Nations member
12 states.

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

15 (4) Intersex people experience prejudice and
16 discrimination, including the common performance
17 of medically unnecessary surgeries without their con-
18 sent or approval, because their bodies do not con-
19 form to other people’s expectations about sex and
20 gender.

21 (5) Violence and discrimination based on sexual
22 orientation and gender identity are documented in
23 the Department of State’s annual Human Rights
24 Report to Congress. The 2019 report continues to
25 show a clear pattern of human rights violations in

every region of the world based on sexual orientation and gender identity. These violations include murder, rape, torture, death threats, extortion, and imprisonment, as well as loss of employment, housing, access to health care, and other forms of societal stigma and discrimination. The report further documents LGBTQI-specific restrictions on basic freedoms of assembly, press, and speech in every region of the world.

(6) In 2013, the Russian Duma passed a law banning so-called “homosexual propaganda”, which effectively makes it a crime to publicly support LGBTQI equality or even discuss homosexuality. This pernicious law is the basis for similar so-called “anti-propaganda” legislation in countries across Eastern Europe and Central Asia, including in Moldova, Kyrgyzstan, and Belarus.

(7) On April 1, 2017, the Russian newspaper Novaya Gazeta reported that the government of the autonomous republic of Chechnya had been arresting, detaining, and torturing gay and bisexual men in secret prisons since early 2017. An Organization for Security and Co-operation in Europe (OSCE) fact-finding report released in December 2018 confirmed the atrocities, documenting “several waves of

1 violations of human rights abuses of persons based
2 on their sexual orientation and gender identity”. Re-
3 ports throughout 2020 suggest the purge has contin-
4 ued.

5 (8) In May 2020, the Hungarian Parliament
6 voted to eliminate the ability for transgender and
7 intersex Hungarians to legally change their gender
8 on official documents. In June 2020, Poland’s presi-
9 dent pledged to ban the “propagation of LGBT ide-
10 ology,” and nearly a third of Polish towns and mu-
11 nicipalities have now declared themselves to be
12 “LGBT-free zones”.

13 (9) In December 2013, under the guise of pro-
14 hibiting marriage equality through the Same Sex
15 Marriage (Prohibition) Act, the Government of Nige-
16 ria adopted a law that further criminalized same-sex
17 relations and support for LGBTQI people, endan-
18 gering neighbors, friends, doctors, and landlords of
19 LGBTQI people. In August 2018, 57 men at a party
20 in Lagos were arrested under this law and 47 were
21 later charged in December 2019 for “public show of
22 same sex amorous relationship”. While the case was
23 thrown out in October 2020 due to deficiencies in
24 the prosecution, the men suffered significant harm
25 over the course of the two-year trial.

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

5 (11) 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 LGBTQI citizens. Although
11 the Constitutional Court overturned the Anti-Homo-
12 sexuality Act on a technicality in August 2014,
13 LGBTQI Ugandans continue to be subjected to dis-
14 crimination and violence, and their government has
15 in recent years forcibly shut down even private Pride
16 celebrations in Kampala.

17 (12) In November 2016, the Government of
18 Tanzania banned all HIV and AIDS outreach
19 projects aimed at gay men, including those funded
20 by the President’s Emergency Plan for AIDS Relief
21 (PEPFAR), forcing 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 announced crackdowns on the LGBTQI community,
2 including a threat by the governor of the largest
3 city, who announced a purge on LGBTQI individ-
4 uals and asked the public to report them.

5 (13) A 2020 report by Human Rights Watch
6 found that in the Northern Triangle countries of El
7 Salvador, Guatemala, and Honduras, “gangs specifi-
8 cally target LGBT people, killing, assaulting, threat-
9 ening or extorting them”. A 2016 report noted that
10 transgender women in El Salvador have an average
11 life expectancy of less than 35 years due to violence,
12 discrimination, and femicide.

13 (14) Extreme violence in El Salvador, Nica-
14 ragua, Guatemala, and Honduras has driven
15 LGBTQI people to flee their countries or origin to
16 the United States for protection. At the United
17 States border with Mexico, LGBTQI asylum seekers
18 face additional violence and many have been re-
19 turned to face persecution in their home countries or
20 in third countries that are not safe.

21 (15) On May 23, 2017, and again on July 13,
22 2018, gay men were publicly caned in the Indo-
23 nesian province of Aceh, while thousands of spec-
24 tators snapped pictures outside a mosque. More re-
25 cently, including in August 2020, police in Indonesia

1 have arrested men at private parties, sometimes re-
2 leasing their photographs to the news media, endan-
3 gering their lives. The August 2020 raid fits a dis-
4 turbing pattern of Indonesian authorities using the
5 pornography law as a weapon to target LGBTQI
6 people.

7 (16) The Department of State Human Rights
8 Report for 2019 notes that Egyptian police arrest
9 LGBTQI persons on charges such as “debauchery”,
10 “prostitution”, and “violating the teachings of reli-
11 gion”, leading to prison sentences of up to 10 years.
12 According to a local group, there have been more
13 than 250 arrests since 2013. Arrests have continued
14 apace in 2020. Rights groups also have reported on
15 the discredited use of “virginity” and “anal tests”
16 by Egyptian authorities to attempt to prove sexual
17 activity, assaults that may constitute cruel, degrad-
18 ing, and inhuman treatment that can rise to the
19 level of torture under international human rights
20 law.

21 (17) Anti-LGBTQI laws not only endanger all
22 LGBTQI individuals, but also pose serious risks for
23 those associated with or caring for LGBTQI people.
24 Studies have shown that when LGBTQI people, es-
25 pecially LGBTQI youth, face discrimination, they

1 are less likely to seek HIV testing, prevention, and
2 treatment services.

3 (18) According to the Trans Murder Monitoring
4 Project, which monitors homicides of transgender in-
5 dividuals, 350 trans and gender-diverse were killed
6 between October 1, 2019, and September 30, 2020,
7 representing a 6 percent increase in reported mur-
8 ders from the 2019 update.

9 (19) According to the International Guidelines
10 on HIV/AIDS and Human Rights, as published by
11 the United Nations High Commissioner for Human
12 Rights, and according to the reports of the United
13 Nations Independent Expert on protection against
14 violence and discrimination based on sexual orienta-
15 tion and gender identity, countries should review
16 and reform criminal laws and correctional systems to
17 ensure that they are consistent with international
18 human rights obligations and are not misused or
19 targeted against vulnerable groups.

20 (20) Removing institutionalized discrimination
21 and targeted persecution against LGBTQI people
22 around the world is a critical step in the promotion
23 of human rights and global health internationally.

24 (21) Anti-LGBTQI laws and discrimination
25 pose significant risks for LGBTQI youth who come

1 out to their family or community and often face re-
2 jection, homelessness, and limited educational and
3 economic opportunities. These factors contribute to
4 increased risks of substance abuse, suicide, and HIV
5 infection among LGBTQI youth.

6 (22) On December 6, 2011, President Barack
7 Obama released the “Presidential Memorandum—
8 International Initiatives to Advance the Human
9 Rights of Lesbian, Gay, Bisexual, and Transgender
10 Persons”. The memorandum directed all Federal
11 agencies engaged abroad to ensure that United
12 States diplomacy and foreign assistance promote and
13 protect the human rights of LGBTQI persons.

14 (23) On February 23, 2015, Secretary of State
15 John Kerry appointed senior diplomat Randy Berry
16 as the Department of State’s first-ever Special
17 Envoy for the Human Rights of LGBTI Persons.
18 No person was named to that position during the
19 Trump Administration.

20 (24) On June 30, 2016, the United Nations
21 Human Rights Council passed a resolution cospon-
22 sored by the United States that established an Inde-
23 pendent Expert on violence and discrimination based
24 on sexual orientation and gender identity to help

1 monitor and track discrimination and violence experi-
2 enced by LGBTQI persons around the world.

3 (25) At the annual Summit of Commonwealth
4 Nations in April 2018, United Kingdom Prime Min-
5 ister Theresa May issued an apology for discrimina-
6 tory laws criminalizing same-sex relationships that
7 were imposed on British colonies around the world.
8 She also announced the creation of a fund to sup-
9 port legal reform efforts.

10 (26) In April 2018, Trinidad and Tobago’s
11 High Court of Justice issued a landmark ruling de-
12 claring that laws which criminalize same-sex rela-
13 tionships between consenting adults are unconstitu-
14 tional.

15 (27) In September 2018, the Supreme Court of
16 India decriminalized same-sex relationships. The
17 same court also has affirmed the rights of
18 transgender people as a protected “third gender”
19 under the Constitution of India.

20 (28) Angola decriminalized same-sex relation-
21 ships in January 2019, and prohibited discrimina-
22 tion against people on the basis of sexual orienta-
23 tion. In December 2020, the parliament of Bhutan
24 voted to decriminalize same-sex relationships.

1 (29) 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 (30) 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 (31) In May 2020, the United Nations Inde-
19 pendent Expert on protection against violence and
20 discrimination based on sexual orientation and gen-
21 der identity released a report on so-called “conver-
22 sion therapy,” which is an umbrella term used to de-
23 scribe interventions based on a belief that a person’s
24 sexual orientation or gender identity can and should
25 be changed. The report concludes that such practices

1 represent significant violations of rights to bodily au-
2 tonomy, health, and free expression, and can breach
3 the prohibition against torture and ill-treatment.
4 The Independent Expert concludes by calling for a
5 global ban on conversion therapy, noting that “the
6 psychological pain and suffering inflicted by prac-
7 tices of ‘conversion therapy’ are deep and long-last-
8 ing and often exacerbate the risk of suicide”.

9 (32) The global COVID–19 pandemic has exac-
10 erbed inequalities that LGBTQI individuals face,
11 including access to healthcare, stigma, and discrimi-
12 nation.

13 (33) Some governments have enacted measures
14 that target or discriminate against LGBTQI individ-
15 uals and communities under the guise of COVID–19
16 public health precautions.

17 (34) In March 2020, Ugandan police arbitrarily
18 arrested 20 LGBTQI people living in a homeless
19 shelter, charging them with “a negligent act likely to
20 spread infection of disease”. They were released and
21 all charges were dropped after nearly two months in
22 prison.

23 (35) Gender-based quarantine rules have re-
24 sulted in increased violence against transgender indi-
25 viduals and reports indicate an increase in

1 transphobic and homophobic rhetoric, as religious
2 leaders and others scapegoat LGBTQI people for
3 the spread of the disease.

4 (36) COVID–19 has also increased barriers to
5 access health care for LGBTQI individuals. In addi-
6 tion to discrimination in care, the health needs of
7 LGBTQI people may be deprioritized. For example,
8 HIV prevention activities have largely ceased due to
9 the pandemic, elevating risks for transmission
10 among key population groups.

11 (37) Due to stay-at-home restrictions, LGBTQI
12 people may be confined to hostile households, put-
13 ting them at increased risk for gender-based violence
14 and compounding mental health challenges.

15 (38) LGBTQI individuals may be unable to ac-
16 cess a government’s COVID support services due to
17 discrimination. In response, LGBTQI-led civil soci-
18 ety organizations have been forced to shift their pro-
19 grams to provide humanitarian support to their com-
20 munities, sidelining other programs previously per-
21 formed in their communities.

22 **SEC. 4. STATEMENT OF POLICY.**

23 It is the policy of the United States—

24 (1) to take effective action to prevent and re-
25 spond to discrimination and violence against all peo-

1 ple on any basis internationally, including sexual ori-
2 entation, gender identity, and sex characteristics,
3 and that human rights policy includes attention to
4 criminalization, hate crimes, and other discrimina-
5 tion against LGBTQI people;

6 (2) to systematically integrate and coordinate
7 into United States foreign policy efforts to prevent
8 and respond to criminalization, discrimination, and
9 violence against LGBTQI people internationally;

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

15 (4) to consult, cooperate, coordinate, and col-
16 laborate with a wide variety of nongovernmental
17 partners, including faith-based organizations and
18 LGBTQI-led organizations, with demonstrated expe-
19 rience in preventing and responding to criminaliza-
20 tion, discrimination, and violence against LGBTQI
21 people internationally;

22 (5) to employ a multisectoral approach to pre-
23 venting and responding to criminalization, discrimi-
24 nation, and violence against LGBTQI people inter-

1 nationally, including activities in the economic, edu-
2 cation, health, nutrition, legal, and judicial sectors;

3 (6) to work at all levels, from the individual to
4 the family, community, local, national, and inter-
5 national levels, to prevent and respond to criminal-
6 ization, discrimination, and violence against
7 LGBTQI people internationally;

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

15 (8) to engage non-LGBTQI people as allies and
16 partners, as an essential element of making sus-
17 tained reductions in criminalization, discrimination,
18 and violence against LGBTQI people internationally;

19 (9) to require that all Federal contractors and
20 grant recipients in the United States Government's
21 international programs establish appropriate policies
22 and take effective measures to ensure the protection
23 and safety of their staff and workplace, including
24 from discrimination and violence directed against

1 LGBTQI people and those who provide services to
2 them;

3 (10) to exert sustained international leadership,
4 including in bilateral and multilateral fora, to pre-
5 vent and respond to criminalization, discrimination,
6 and violence against LGBTQI people internationally;

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

12 (12) to ensure that international efforts to com-
13 bat HIV/AIDS take all appropriate measures to sup-
14 port at-risk communities, including LGBTQI people,
15 and to create enabling legal environments for these
16 communities;

17 (13) to work with governments and nongovern-
18 mental partners around the world to develop and im-
19 plement regional strategies to decriminalize homo-
20 sexuality and to counteract the prohibition of public
21 support of LGBTQI people; and

22 (14) to ensure that those who have a well-
23 founded fear of persecution on account of being
24 LGBTQI or supporting LGBTQI rights have the op-
25 portunity to seek protection in the United States.

1 **SEC. 5. SPECIAL ENVOY FOR THE HUMAN RIGHTS OF**
2 **LGBTQI PEOPLE.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—The Secretary of State shall
5 establish in the Bureau of Democracy, Human
6 Rights, and Labor (DRL) of the Department of
7 State a permanent Special Envoy for the Human
8 Rights of LGBTQI Peoples (in this section referred
9 to as the “Special Envoy”), who shall be appointed
10 by the President. The Special Envoy shall report di-
11 rectly to the Assistant Secretary for Democracy,
12 Human Rights, and Labor.

13 (2) RANK.—The Special Envoy may be ap-
14 pointed at the rank of Ambassador.

15 (b) PURPOSE.—In addition to the duties described in
16 subsection (c) and those duties determined by the Sec-
17 retary of State, the Special Envoy shall direct efforts of
18 the United States Government relating to United States
19 foreign policy, as directed by the Secretary, regarding
20 human rights abuses against LGBTQI people and commu-
21 nities internationally and the advancement of human
22 rights for LGBTQI people, and shall represent the United
23 States internationally in bilateral and multilateral engage-
24 ment on such matters.

25 (c) DUTIES.—

26 (1) IN GENERAL.—The Special Envoy—

1 (A) shall serve as the principal advisor to
2 the Secretary of State regarding human rights
3 for LGBTQI people internationally;

4 (B) shall, notwithstanding any other provi-
5 sion of law, direct activities, policies, programs,
6 and funding relating to the human rights of
7 LGBTQI people and the advancement of
8 LGBTQI equality initiatives internationally, for
9 all bureaus and offices of the Department of
10 State, and shall lead the coordination of rel-
11 evant international programs for all other Fed-
12 eral agencies relating to such matters;

13 (C) shall represent the United States in
14 diplomatic matters relevant to the human rights
15 of LGBTQI people, including criminalization,
16 discrimination, and violence against LGBTQI
17 people internationally;

18 (D) shall direct, as appropriate, United
19 States Government resources to respond to
20 needs for protection, integration, resettlement,
21 and empowerment of LGBTQI people in United
22 States Government policies and international
23 programs, including to prevent and respond to
24 criminalization, discrimination, and violence
25 against LGBTQI people internationally;

1 (E) shall design, support, and implement
2 activities regarding support, education, resettlement,
3 and empowerment of LGBTQI people
4 internationally, including for the prevention and
5 response to criminalization, discrimination, and
6 violence against LGBTQI people internationally;
7

8 (F) shall lead interagency coordination between
9 the foreign policy priorities related to the
10 human rights of LGBTQI people and the development
11 assistance priorities of the LGBTQI
12 Coordinator of the United States Agency for
13 International Development;

14 (G) shall conduct regular consultation with
15 nongovernmental organizations working to prevent
16 and respond to criminalization, discrimination,
17 and violence against LGBTQI people
18 internationally;

19 (H) shall ensure that programs, projects,
20 and activities of the Department of State and
21 the United States Agency for International Development
22 designed to prevent and respond to
23 criminalization, discrimination, and violence
24 against LGBTQI people internationally are subject
25 to rigorous monitoring and evaluation, and

1 that there is a uniform set of indicators and
2 standards for such monitoring and evaluation
3 that is used across international programs in
4 Federal agencies; and

5 (I) is authorized to represent the United
6 States in bilateral and multilateral fora on mat-
7 ters relevant to the human rights of LGBTQI
8 people internationally, including criminalization,
9 discrimination, and violence against LGBTQI
10 people internationally.

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

13 (A) be the central repository of data on all
14 United States programs, projects, and activities
15 that relate to prevention and response to crim-
16 inalization, discrimination, and violence against
17 LGBTQI people internationally; and

18 (B) produce—

19 (i) a full accounting of United States
20 Government spending on such programs,
21 projects, and activities; and

22 (ii) evaluations of the effectiveness of
23 such programs, projects, and activities.

1 (d) BRIEFINGS AND ASSESSMENTS.—Not later than
 2 180 days after the date of the enactment of this Act, and
 3 annually thereafter, the Special Envoy shall—

4 (1) brief the appropriate congressional commit-
 5 tees on the status of the human rights of LGBTQI
 6 people internationally, as well as on the status of
 7 programs and response strategies to address crim-
 8 inalization, discrimination, and violence against
 9 LGBTQI people internationally; and

10 (2) submit to the appropriate congressional
 11 committees an assessment of human and financial
 12 resources necessary to fulfill the purposes and duties
 13 of this Act.

14 (e) UNITED STATES POLICY TO PREVENT AND RE-
 15 SPOND TO CRIMINALIZATION, DISCRIMINATION, AND VIO-
 16 LENCE AGAINST LGBTQI PEOPLE GLOBALLY.—

17 (1) GLOBAL STRATEGY REQUIREMENT.—Not
 18 later than 180 days after the date of the enactment
 19 of this Act, and annually thereafter for each of the
 20 following five years, the Special Envoy shall develop
 21 or update, as the case may be, a United States glob-
 22 al strategy to prevent and respond to criminaliza-
 23 tion, discrimination, and violence against LGBTQI
 24 people internationally. The Special Envoy shall sub-
 25 mit the global strategy to the appropriate congres-

1 sional committees and, if practicable, make the glob-
 2 al strategy available to the public.

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

6 (A) mid- and high-level officials of relevant
 7 Federal agencies; and

8 (B) representatives of nongovernmental or-
 9 ganizations with demonstrated experience in ad-
 10 dressing criminalization, discrimination, and vi-
 11 olence against LGBTQI people internationally
 12 or promoting equal rights for LGBTQI people
 13 internationally.

14 (f) MONITORING THE UNITED STATES STRATEGY TO
 15 PREVENT AND RESPOND TO CRIMINALIZATION, DISCRIMI-
 16 NATION, AND VIOLENCE AGAINST LGBTQI PEOPLE AND
 17 COMMUNITIES INTERNATIONALLY.—

18 (1) IN GENERAL.—In each global strategy sub-
 19 mitted under subsection (e), the Special Envoy shall
 20 include an analysis of best practices for preventing
 21 and addressing criminalization, discrimination, and
 22 violence against LGBTQI people and communities
 23 internationally, including—

24 (A) a description of successful efforts by
 25 foreign governments and nongovernmental or-

ganizations to prevent and respond to criminalization, discrimination, and violence against LGBTQI people and communities internationally;

(B) recommendations related to best practices, effective strategies, and improvements to enhance the impact of such prevention and response efforts; and

(C) the impact of activities funded by the global strategy in preventing and reducing criminalization, discrimination, and violence against LGBTQI people and communities internationally.

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

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

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

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

1 (iii) by adding at the end the fol-
2 lowing new paragraph:

3 “(13) wherever applicable, the nature and ex-
4 tent of criminalization, discrimination, and violence
5 based on sexual orientation and gender identity, in-
6 cluding an identification of those countries that have
7 adopted laws or constitutional provisions that crim-
8 inalize or discriminate based on sexual orientation or
9 gender identity (as those terms are defined in sec-
10 tion 2 of the International Human Rights Defense
11 Act of 2018), including detailed descriptions of such
12 laws and provisions.”.

13 (B) SECTION 502B.—Section 502B of the
14 Foreign Assistance Act of 1961 (22 U.S.C.
15 2304) is amended—

16 (i) by redesignating the second sub-
17 section (i) (relating to child marriage sta-
18 tus) as subsection (j); and

19 (ii) by adding at the end the following
20 new subsection:

21 “(k) SEXUAL ORIENTATION AND GENDER IDEN-
22 TITY.—The report required under subsection (b) shall in-
23 clude, wherever applicable, the nature and extent of crim-
24 inalization, discrimination, and violence based on sexual
25 orientation and gender identity, including an identification

1 of those countries that have adopted laws or constitutional
 2 provisions that criminalize or discriminate based on sexual
 3 orientation or gender identity (as those terms are defined
 4 in section 2 of the International Human Rights Defense
 5 Act of 2021), including detailed descriptions of such laws
 6 and provisions.”.

7 **SEC. 6. IMPLEMENTATION OF THE UNITED STATES STRAT-**
 8 **EGY TO PREVENT AND RESPOND TO CRIM-**
 9 **INALIZATION, DISCRIMINATION, AND VIO-**
 10 **LENCE AGAINST LGBTQI PEOPLE AND COM-**
 11 **MUNITIES INTERNATIONALLY.**

12 The Secretary of State and the Administrator of the
 13 United States Agency for International Development are
 14 authorized to provide assistance to prevent and respond
 15 to criminalization, discrimination, and violence against
 16 LGBTQI people internationally. Such assistance may in-
 17 clude the following activities:

- 18 (1) Development and implementation of pro-
 19 grams, such as the Global Equality Fund of the De-
 20 partment of State, that respond to human rights
 21 abuses and economic exclusion of LGBTQI people in
 22 the workplace and in public.
- 23 (2) Development and enforcement of civil and
 24 criminal legal and judicial sanctions, protection,
 25 training, and capacity.

1 (3) Enhancement of health sector capacity to
2 detect, prevent, and respond to violence against
3 LGBTQI people and communities internationally,
4 and to combat HIV/AIDS in the LGBTQI commu-
5 nity internationally, in close coordination with the
6 Office of the Global AIDS Coordinator and Health
7 Diplomacy of the Department of State.

8 (4) Development of a leadership program for
9 international LGBTQI activists that will foster col-
10 laboration and knowledge sharing across the world.

○