

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.

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## 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

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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 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

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

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

18 (7) On April 1, 2017, the Russian newspaper  
19 Novaya Gazeta reported that the government of the  
20 autonomous republic of Chechnya had been arrest-  
21 ing, detaining, and torturing gay and bisexual men  
22 in secret prisons since early 2017. An Organization  
23 for Security and Co-operation in Europe (OSCE)  
24 fact-finding report released in December 2018 con-  
25 firmed 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 erbated 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-

1 organizations to prevent and respond to criminal-  
2 ization, discrimination, and violence against  
3 LGBTQI people and communities internation-  
4 ally;

5 (B) recommendations related to best prac-  
6 tices, effective strategies, and improvements to  
7 enhance the impact of such prevention and re-  
8 sponse efforts; and

9 (C) the impact of activities funded by the  
10 global strategy in preventing and reducing  
11 criminalization, discrimination, and violence  
12 against LGBTQI people and communities inter-  
13 nationally.

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

17 (A) SECTION 116.—Section 116(d) of the  
18 Foreign Assistance Act of 1961 (22 U.S.C.  
19 2151n(d)) is amended—

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

22 (ii) in paragraph (12)(C)(ii), by strik-  
23 ing the period at the end and inserting “;  
24 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.

