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2D SESSION

S. 2472

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

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2014

Mr. MARKEY (for himself, Mr. SCHUMER, Mrs. MURRAY, Mrs. BOXER, Mr. CARDIN, Mr. MURPHY, Ms. BALDWIN, Ms. WARREN, Mr. MERKLEY, Mrs. GILLIBRAND, Ms. CANTWELL, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. HIRONO, Mr. DURBIN, Mr. BROWN, Mr. LEAHY, Mr. SCHATZ, Mr. WYDEN, Mr. BOOKER, Mr. COONS, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. FRANKEN, and Mrs. SHAHEEN) 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 LGBT Peoples.

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 2014”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

4 (A) the Committee on Foreign Relations
5 and the Committee on Appropriations of the
6 Senate; and

7 (B) the Committee on Foreign Affairs and
8 the Committee on Appropriations of the House
9 of Representatives.

10 (2) GENDER IDENTITY.—The term “gender
11 identity” means the gender-related identity, appear-
12 ance, or mannerisms or other gender-related charac-
13 teristics of an individual, with or without regard to
14 the individual’s designated sex at birth.

15 (3) LGBT.—The term “LGBT” means lesbian,
16 gay, bisexual, or transgender.

17 (4) SEXUAL ORIENTATION.—The term “sexual
18 orientation” means homosexuality, heterosexuality,
19 or bisexuality.

20 **SEC. 3. FINDINGS.**

21 Congress makes the following findings:

22 (1) Eighty-two countries prohibit the public
23 support of the LGBT community, promote
24 homophobia across society, or criminalize homosex-

1 uality. That is equal to more than 40 percent of
2 United Nations Member States.

3 (2) In seven countries, homosexuality is a crime
4 that is punishable by death.

5 (3) Around the world, LGBT people face dis-
6 crimination, hatred, violence, and bigotry.

7 (4) Violence and discrimination based on sexual
8 orientation and gender identity are documented in
9 the Department of State’s annual Human Rights
10 Report to Congress. The 2013 report continues to
11 show a clear pattern of increased human rights vio-
12 lations in every region of the world based on sexual
13 orientation and gender identity. These violations in-
14 clude murder, rape, torture, death threats, extortion,
15 imprisonment, as well as loss of employment, hous-
16 ing, access to health care, and other forms of soci-
17 etal stigma and discrimination. The report further
18 documents growing LGBT-specific restrictions on
19 basic freedoms of assembly, press, and speech in
20 every region of the world.

21 (5) In Jamaica and other countries, discrimina-
22 tion against LGBT people, including “corrective
23 rape” of lesbian women, occurs all too frequently
24 and with relative impunity.

1 (6) In 2013, the Government of the Russian
2 Federation and others in the region passed laws
3 banning “Homosexual Propaganda”, which effec-
4 tively makes it a crime to publically support LGBT
5 equality.

6 (7) In February 2014, the Government of
7 Uganda adopted a law that makes “aggravated ho-
8 mosexuality” a crime punishable with life imprison-
9 ment and endangers any individual arbitrarily found
10 to support LGBT people. Concurrently, the Govern-
11 ment of Uganda also passed laws severely limiting
12 the basic freedoms of speech and assembly for
13 LGBT citizens.

14 (8) In December 2013, the Government of Ni-
15 geria adopted a law further criminalizing homosex-
16 uality. The law also criminalizes supporting LGBT
17 people in any way, endangering the neighbors,
18 friends, doctors, and landlords of LGBT people.

19 (9) The anti-homosexuality laws in Nigeria and
20 Uganda potentially endanger all LGBT individuals
21 in those countries. In addition, international HIV
22 workers could be at risk since the study and treat-
23 ment of at-risk populations may constitute support
24 for LGBT people.

1 (10) On December 6, 2011, President Barack
2 Obama released the Presidential Memorandum—
3 International Initiatives to Advance the Human
4 Rights of Lesbian, Gay, Bisexual, and Transgender
5 Persons. The memorandum directed all Federal
6 agencies engaged abroad to ensure that United
7 States diplomacy and foreign assistance promote and
8 protect the human rights of LGBT persons.

9 (11) Secretary of State John Kerry has an-
10 nounced that the United States Government will re-
11 view United States diplomatic relationships with Ni-
12 geria and Uganda in light of passage of their recent
13 anti-LGBT laws. On March 23, 2014, the Depart-
14 ment of State announced that the United States
15 Government would cut \$6,400,000 in funding for
16 the Interreligious Council of Uganda because of its
17 support for the Anti-Homosexuality Act, halt a sur-
18 vey designed to minimize the spread of HIV/AIDS
19 because of potential harm to respondents, impose
20 short-term travel bans on Ugandan military officials,
21 and halt some joint military exercises with the mili-
22 tary of Uganda.

23 (12) In December 2013, the Supreme Court of
24 India reversed a lower court ruling and reinstated
25 the criminalization of homosexuality in the second

1 most populous nation on Earth. In April 2014, In-
2 dia's Supreme Court recognized transgender people
3 as a third gender, improving the legal rights of
4 transgender people in that country. Given these two
5 court decisions, the degree of human rights protec-
6 tions for LGBT persons in India is uncertain.

7 (13) Removing institutionalized discrimination
8 and targeted persecution against LGBT people
9 around the world is a critical step in the promotion
10 of human rights and global health internationally.

11 (14) According to the Trans Murder Monitoring
12 Project, which monitors homicides of transgender in-
13 dividuals, 238 transgender persons were killed be-
14 tween November 2012 and November 2013 world-
15 wide.

16 (15) According to the International Guidelines
17 on HIV/AIDS and Human Rights, as published by
18 the United Nations High Commissioner for Human
19 Rights, countries should review and reform criminal
20 laws and correctional systems to ensure that they
21 are consistent with international human rights obli-
22 gations and are not misused in the context of HIV
23 or targeted against vulnerable groups.

24 **SEC. 4. STATEMENT OF POLICY.**

25 It is the policy of the United States—

1 (1) to take effective action to prevent and re-
2 spond to discrimination and violence against all peo-
3 ple on any basis internationally, including sexual ori-
4 entation and gender identity, and that human rights
5 policy include attention to hate crimes and other dis-
6 crimination against LGBT people;

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

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

16 (4) to consult, cooperate, coordinate, and col-
17 laborate with a wide variety of nongovernmental
18 partners with demonstrated experience in preventing
19 and responding to discrimination and violence
20 against LGBT people internationally, including
21 faith-based organizations and LGBT-led organiza-
22 tions;

23 (5) to employ a multisectoral approach to pre-
24 venting and responding to discrimination and vio-
25 lence against LGBT people internationally, including

1 activities in the economic, education, health, nutri-
2 tion, 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 discrimina-
6 tion and violence against LGBT people internation-
7 ally;

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 LGBT-specific instruction on pre-
12 venting and responding to discrimination and vio-
13 lence based on sexual orientation and gender iden-
14 tity;

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

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 LGBT people and those who provide services to
2 them;

3 (10) to exert sustained international leadership
4 to prevent and respond to discrimination and vio-
5 lence against LGBT persons, including in bilateral
6 and multilateral fora;

7 (11) to fully implement and expand upon the
8 policies outlined in the Presidential Memorandum—
9 International Initiatives to Advance the Human
10 Rights of Lesbian, Gay, Bisexual, and Transgender
11 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 LGBT persons,
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 the LGBT community; and

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

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

3 (a) ESTABLISHMENT.—The Secretary of State shall
4 establish in the Bureau of Democracy, Human Rights,
5 and Labor (DRL) of the Department of State a Special
6 Envoy for the Human Rights of LGBT Peoples (in this
7 section referred to as the “Special Envoy”), who shall be
8 appointed by the President. The Special Envoy shall re-
9 port directly to the Assistant Secretary for DRL.

10 (b) PURPOSE.—In addition to the duties described in
11 subsection (c) and those duties determined by the Sec-
12 retary of State, the Special Envoy shall direct efforts of
13 the United States Government as directed by the Sec-
14 retary regarding human rights abuses against the LGBT
15 community internationally and the advancement of human
16 rights for LGBT people in United States foreign policy,
17 and shall represent the United States internationally in
18 bilateral and multilateral engagement on these matters.

19 (c) DUTIES.—

20 (1) IN GENERAL.—The Special Envoy—

21 (A) shall direct activities, policies, pro-
22 grams, and funding relating to the human
23 rights of LGBT people and the advancement of
24 LGBT equality initiatives internationally, for all
25 bureaus and offices of the Department of State
26 and shall lead the coordination of relevant

1 international programs for all other Federal
2 agencies;

3 (B) shall represent the United States in
4 diplomatic matters relevant to the human rights
5 of LGBT people, including discrimination and
6 violence against LGBT people internationally;

7 (C) shall direct, as appropriate, United
8 States Government resources to respond to
9 needs for protection, integration, resettlement,
10 and empowerment of LGBT people in United
11 States Government policies and international
12 programs, including to prevent and respond to
13 discrimination and violence against LGBT peo-
14 ple internationally;

15 (D) shall design, support, and implement
16 activities regarding support, education, resettle-
17 ment, and empowerment of LGBT people inter-
18 nationally, including for the prevention and re-
19 sponse to discrimination and violence against
20 LGBT people internationally;

21 (E) shall lead interagency coordination be-
22 tween the foreign policy priorities related to the
23 human rights of LGBT people and the develop-
24 ment assistance priorities of the LGBT Coordi-

1 nator of the United States Agency for Inter-
2 national Development;

3 (F) shall conduct regular consultation with
4 civil society organizations working to prevent
5 and respond to discrimination and violence
6 against LGBT people internationally;

7 (G) shall ensure that programs, projects,
8 and activities designed to prevent and respond
9 to discrimination and violence against LGBT
10 people are subject to rigorous monitoring and
11 evaluation, and that there is a uniform set of
12 indicators and standards for such monitoring
13 and evaluation that is used across international
14 programs in Federal agencies;

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

18 (I) is authorized to represent the United
19 States in diplomatic and multilateral situations
20 on matters relevant to the human rights of
21 LGBT people, including discrimination and vio-
22 lence against LGBT people internationally.

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

1 (A) be the central repository of data on all
2 United States programs, projects, and activities
3 that relate to prevention and response to dis-
4 crimination and violence against LGBT people;
5 and

6 (B) produce—

7 (i) a full accounting of United States
8 Government spending on such programs,
9 projects, and activities; and

10 (ii) evaluations of the effectiveness of
11 implemented programs.

12 **SEC. 6. BRIEFINGS AND ASSESSMENTS.**

13 Not later than 180 days after the date of the enact-
14 ment of this Act, and annually thereafter, the Special
15 Envoy shall brief the appropriate congressional commit-
16 tees on the status of the human rights of LGBT people
17 internationally, as well as the status of programs and re-
18 sponse strategies to address LGBT discrimination and vi-
19 olence against LGBT people internationally, and shall
20 submit to the appropriate congressional committees an as-
21 sessment of human and financial resources necessary to
22 fulfill the purposes and duties of this Act.

1 **SEC. 7. UNITED STATES POLICY TO PREVENT AND RE-**
2 **SPOND TO DISCRIMINATION AND VIOLENCE**
3 **AGAINST LGBT PEOPLE GLOBALLY.**

4 (a) GLOBAL STRATEGY REQUIREMENT.—Not later
5 than 180 days after the date of the enactment of this Act,
6 and annually thereafter for five years, the Special Envoy
7 shall develop or update a United States global strategy
8 to prevent and respond to discrimination and violence
9 against LGBT people globally. The strategy shall be
10 transmitted to the appropriate congressional committees
11 and, if practicable, made available to the public.

12 (b) INITIAL STRATEGY.—For the purposes of this
13 section, the Presidential Memorandum—International Ini-
14 tiatives to Advance the Human Rights of Lesbian, Gay,
15 Bisexual, and Transgender Persons, issued December 6,
16 2011, shall be deemed to fulfill the initial requirement of
17 subsection (a).

18 (c) REPORTING.—In accordance with paragraph (13)
19 of section 116(d) of the Foreign Assistance Act of 1961
20 (22 U.S.C. 2151n(d)), as added by section 9(b), the An-
21 nual Report on Human Rights Practices shall include de-
22 tailed descriptions of nations that have adopted laws or
23 constitutions that discriminate against LGBT people.

24 (d) COLLABORATION AND COORDINATION.—In devel-
25 oping the strategy under subsection (a), the Special Envoy
26 shall consult with—

- 1 (1) the heads of relevant Federal agencies; and
- 2 (2) representatives of civil society, multilateral,
- 3 and private sector organizations with demonstrated
- 4 experience in addressing discrimination and violence
- 5 against LGBT people or promoting equal rights for
- 6 LGBT people internationally.

7 **SEC. 8. IMPLEMENTATION OF THE UNITED STATES STRAT-**
8 **EGY TO PREVENT AND RESPOND TO LGBT**
9 **DISCRIMINATION AND VIOLENCE AGAINST**
10 **THE LGBT COMMUNITY GLOBALLY.**

11 The Secretary of State and the Administrator of the
12 United States Agency for International Development are
13 authorized to provide assistance to prevent and respond
14 to discrimination and violence against LGBT people inter-
15 nationally, including the following activities:

- 16 (1) Development and implementation of pro-
17 grams, such as the Global Equality Fund, that re-
18 spond to human rights abuses and economic exclu-
19 sion of LGBT people in the workplace and in public.
- 20 (2) Development and enforcement of civil and
21 criminal legal and judicial sanctions, protection,
22 training, and capacity.
- 23 (3) Enhancement of the health sector capacity
24 to detect, prevent, and respond to violence against
25 the LGBT community and to combat HIV/AIDS in

1 the LGBT community internationally, in close co-
2 ordination with the Office of the Global AIDS Coor-
3 dinator.

4 (4) Development of a leadership program for
5 international LGBT activists that will foster collabo-
6 ration and knowledge sharing across the world.

7 **SEC. 9. MONITORING THE UNITED STATES STRATEGY TO**
8 **PREVENT AND RESPOND TO DISCRIMINA-**
9 **TION AND VIOLENCE AGAINST THE LGBT**
10 **COMMUNITY GLOBALLY.**

11 (a) IN GENERAL.—In each strategy submitted under
12 section 7(a), the Special Envoy shall include an analysis
13 of best practices for preventing and addressing discrimina-
14 tion and violence against LGBT people internationally,
15 which shall include—

16 (1) a description of successful efforts by foreign
17 governments, multilateral institutions, nongovern-
18 mental organizations, educational organizations, and
19 faith-based organizations in preventing and respond-
20 ing to discrimination and violence against LGBT
21 people;

22 (2) recommendations related to best practices,
23 effective strategies, and improvements to enhance
24 the impact of prevention and response efforts; and

1 (3) the impact of activities funded by the strat-
2 egy in preventing and reducing discrimination and
3 violence against LGBT people internationally.

4 (b) INFORMATION REQUIRED TO BE INCLUDED IN
5 HUMAN RIGHTS PRACTICES REPORT.—Section 116(d)
6 (22 U.S.C. 2151n(d)) of the Foreign Assistance Act of
7 1961 is amended—

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

10 (2) in paragraph (12)(C)(ii), by striking the pe-
11 riod at the end and inserting “; and”; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(13) wherever applicable, the nature and ex-
15 tent of discrimination and violence based on sexual
16 orientation and gender identity.”.

○