

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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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 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

1 and in the international programs for all other  
2 Federal 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 ensure coordination between the  
22 foreign policy priorities related to the human  
23 rights of LGBT people and the development as-  
24 sistance priorities of the LGBT Coordinator of

1 the United States Agency for International De-  
2 velopment;

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 Office shall—

24 (A) be the central repository of data on all  
25 United States programs, projects, and activities

1 that relate to prevention and response to dis-  
2 crimination and violence against LGBT people;  
3 and

4 (B) produce—

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

8 (ii) evaluations of the effectiveness of  
9 implemented programs.

10 **SEC. 6. BRIEFINGS AND ASSESSMENTS.**

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

21 **SEC. 7. UNITED STATES POLICY TO PREVENT AND RE-**  
22 **SPOND TO DISCRIMINATION AND VIOLENCE**  
23 **AGAINST LGBT PEOPLE GLOBALLY.**

24 (a) GLOBAL STRATEGY REQUIREMENT.—Not later  
25 than 180 days after the date of the enactment of this Act,

1 and annually thereafter for five years, the Special Envoy  
2 shall develop or update a United States global strategy  
3 to prevent and respond to discrimination and violence  
4 against LGBT people globally. The strategy shall be  
5 transmitted to the appropriate congressional committees  
6 and, if practicable, made available to the public.

7 (b) INITIAL STRATEGY.—For the purposes of this  
8 section, the Presidential Memorandum — International  
9 Initiatives to Advance the Human Rights of Lesbian, Gay,  
10 Bisexual, and Transgender Persons, issued December 6,  
11 2011, shall be deemed to fulfill the initial requirement of  
12 subsection (a).

13 (c) REPORTING.—In accordance with paragraph (13)  
14 of section 116(d) of the Foreign Assistance Act of 1961  
15 (22 U.S.C. 2151n(d)), as added by section 9(b), the An-  
16 nual Report on Human Rights Practices shall include de-  
17 tailed descriptions of nations that have adopted laws or  
18 constitutions that discriminate against LGBT people.

19 (d) COLLABORATION AND COORDINATION.—In devel-  
20 oping the strategy under subsection (a), the Special Envoy  
21 shall consult with—

- 22 (1) the heads of relevant Federal agencies; and
- 23 (2) representatives of civil society, multilateral,  
24 and private sector organizations with demonstrated  
25 experience in addressing discrimination and violence

1       against LGBT people or promoting equal rights for  
2       LGBT people internationally.

3       **SEC. 8. IMPLEMENTATION OF THE UNITED STATES STRAT-**  
4                               **EGY TO PREVENT AND RESPOND TO LGBT**  
5                               **DISCRIMINATION AND VIOLENCE AGAINST**  
6                               **THE LGBT COMMUNITY GLOBALLY.**

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

12               (1) Development and implementation of pro-  
13               grams, such as the Global Equality Fund, that re-  
14               spond to human rights abuses and economic exclu-  
15               sion of LGBT people in the workplace and in public.

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

19               (3) Enhancement of the health sector capacity  
20               to detect, prevent, and respond to violence against  
21               the LGBT community and to combat HIV/AIDS in  
22               the LGBT community internationally, in close co-  
23               ordination with the Office of the Global AIDS Coor-  
24               dinator.

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

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

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

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

19           (2) recommendations related to best practices,  
20 effective strategies, and improvements to enhance  
21 the impact of prevention and response efforts; and

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



1           (b) INFORMATION REQUIRED TO BE INCLUDED IN  
2 HUMAN RIGHTS PRACTICES REPORT.—Section 116(d)  
3 (22 U.S.C. 2151n(d)) of the Foreign Assistance Act of  
4 1961 is amended—

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

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

9           (3) by adding at the end the following new  
10 paragraph:

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