

119TH CONGRESS
1ST SESSION

S. 3426

To establish in the Department of State a Special Envoy for the Human Rights of LGBTQI+ People, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2025

Mr. MARKEY (for himself, Ms. ALSOBROOKS, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Ms. CANTWELL, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. FETTERMAN, Mrs. GILLIBRAND, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. KAINE, Mr. KELLY, Mr. LUJÁN, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. PADILLA, Mr. PETERS, Ms. ROSEN, Mr. SANDERS, Mr. SCHATZ, Mr. SCHIFF, Mrs. SHAHEEN, Ms. SMITH, Mr. VAN HOLLEN, Mr. WELCH, Mr. WYDEN, Ms. WARREN, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To establish in the Department of State a Special Envoy for the Human Rights of LGBTQI+ People, 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 2025”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Around the world, LGBTQI+ people face
4 criminalization, violence, discrimination, and stigma
5 based on their sexual orientation, gender identity, or
6 sex characteristics.

7 (2) Sixty-four countries have national laws that
8 criminalize same-sex relations and at least 42
9 United Nations member states have legal barriers
10 for freedom of expression on issues related to sexual
11 and gender diversity. That is equal to roughly 35
12 percent of United Nations member states.

13 (3) Eleven countries have jurisdictions in which
14 the death penalty can be imposed for private, con-
15 sensual, same-sex sexual activity.

16 (4) Despite recent progress made toward de-
17 criminalization, marriage equality, and legal gender
18 recognition, several countries have introduced anti-
19 LGBTQI+ legislation that would further criminalize
20 or stigmatize LGBTQI+ people. This includes a
21 draconian bill under review in Ghana that would
22 outlaw LGBTQI+ relationships and identities, but
23 also advocacy on behalf of the human rights of
24 LGBTQI+ persons.

25 (5) Human Rights Watch and other human
26 rights organizations have documented the use of the

1 forensically discredited practice of forced anal exams
2 to try to substantiate allegations of same-sex sexual
3 activity. This humiliating practice is typically con-
4 ducted by law enforcement officials working in tan-
5 dem with medical personnel. The United Nations
6 Special Rapporteur on Torture has described forced
7 anal examinations as a form of torture or cruel, in-
8 human and degrading treatment, and the United
9 Nations Office of the High Commissioner for
10 Human Rights issued a report in 2015 calling for
11 governments to ban the practice.

12 (6) Around the world, freedom of association is
13 increasingly under attack, with the passage and en-
14 forcement of laws that prevent or revoke the reg-
15 istration of nongovernmental organizations, particu-
16 larly those working to advance and defend the
17 human rights of LGBTQI+ persons.

18 (7) Extreme violence and insecurity in Latin
19 America has driven LGBTQI+ people to flee their
20 countries of origin to the United States for protec-
21 tion. Yes, LGBTQI+ asylum seekers are routinely
22 denied entry and face additional violence, and many
23 have been returned to face persecution in their home
24 countries or in third countries that are not safe.

1 (8) Laws, policies, and practices that crim-
2 inalize and stigmatize LGBTQI+ people deter indi-
3 viduals and communities from seeking health care.
4 Gay, bisexual, and other men who have sex with men
5 and transgender people are particularly vulnerable to
6 discrimination and exclusion in health care settings,
7 thereby increasing the risk of HIV transmission. De-
8 criminalization and stigma reduction are necessary
9 to achieve global targets for epidemic control of
10 HIV.

11 (9) The Trans Murder Monitoring Project,
12 which monitors homicides of transgender individuals,
13 documented at least 350 trans and gender-diverse
14 people killed between October 1, 2023, and Sep-
15 tember 30, 2024. Of these cases, 73 percent of mur-
16 ders occurred in Latin America and the Caribbean,
17 with 30 percent of the total occurring in Brazil.

18 (10) Intersex people are subject to medically
19 unnecessary surgeries, often without prior and in-
20 formed consent, leading to lifelong medical complica-
21 tions and increased mistrust of health care pro-
22 viders. Intersex people experience widespread dis-
23 crimination and lack of understanding about their
24 medical needs.

1 (11) Violence and discrimination based on sex-
2 ual orientation, gender identity (including gender ex-
3 pression), and sex characteristics are documented in
4 the Department of State’s annual Country Reports
5 on Human Rights Practices. The report covering
6 2023 continues to show a clear pattern of human
7 rights violations or abuses in every region of the
8 world based on sexual orientation, gender identity,
9 or sex characteristics. These violations or abuses in-
10 clude murder, rape, torture, death threats, extortion,
11 and imprisonment, as well as loss of employment,
12 housing, access to health care, and other forms of
13 societal stigma and discrimination. The reports fur-
14 ther document LGBTQI+-specific restrictions on
15 basic freedoms of assembly, press, and speech in
16 every region of the world.

17 (12) On December 6, 2011, President Barack
18 Obama released the “Presidential Memorandum—
19 International Initiatives to Advance the Human
20 Rights of Lesbian, Gay, Bisexual, and Transgender
21 Persons”. The memorandum directed all Federal
22 agencies engaged abroad to ensure that United
23 States diplomacy and foreign assistance promote and
24 protect the human rights of LGBTI+ persons.

1 (13) On February 4, 2021, President Joe Biden
2 issued a similar memorandum, the “Memorandum
3 on Advancing the Human Rights of Lesbian, Gay,
4 Bisexual, Transgender, Queer, and Intersex Persons
5 Around the World”, to promote and protect the
6 human rights of LGBTQI+ persons and establish
7 that it is the “policy of the United States to pursue
8 an end to violence and discrimination on the basis
9 of sexual orientation, gender identity or expression,
10 or sex characteristics, and to lead by the power of
11 our example in the cause of advancing the human
12 rights of LGBTQI+ persons around the world”.

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

19 (15) On June 25, 2021, President Joe Biden
20 announced the appointment of Jessica Stern to serve
21 as the United States Special Envoy to Advance the
22 Human Rights of LGBTQI+ Persons. She joined
23 the Department of State on September 27, 2021.

24 (16) On June 30, 2016, the United Nations
25 Human Rights Council passed a resolution cospon-

1 sored by the United States that established an Inde-
2 pendent Expert on violence and discrimination based
3 on sexual orientation and gender identity to help
4 monitor and track discrimination and violence experi-
5 enced by LGBTQI+ persons around the world.

6 (17) In May 2020, the United Nations Inde-
7 pendent Expert on protection against violence and
8 discrimination based on sexual orientation and gen-
9 der identity released a report on so-called “conver-
10 sion therapy”, which is an umbrella term used to de-
11 scribe interventions based on a belief that a person’s
12 sexual orientation or gender identity can and should
13 be changed. The report concluded that such prac-
14 tices represent significant violations of rights to per-
15 sonal autonomy, health, and free expression and are
16 “by their very nature degrading, inhuman and cruel
17 and create a significant risk of torture”. The Inde-
18 pendent Expert noted “the psychological pain and
19 suffering inflicted by practices of ‘conversion ther-
20 apy’ are deep and long-lasting and often exacerbate
21 the risk of suicide,” and called for a global ban on
22 conversion therapy.

23 **SEC. 3. STATEMENT OF POLICY.**

24 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, gender identity, and sex characteristics,
5 and that human rights policy includes attention to
6 criminalization, violence, and other discrimination
7 against LGBTQI+ people;

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

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

18 (4) to consult, cooperate, coordinate, and col-
19 laborate with a wide variety of nongovernmental
20 partners, including faith-based organizations and
21 LGBTQI+-led organizations, with demonstrated ex-
22 perience in preventing and responding to criminal-
23 ization, discrimination, and violence against
24 LGBTQI+ people internationally;

1 (5) to employ a multisectoral approach to pre-
2 venting and responding to criminalization, discrimi-
3 nation, and violence against LGBTQI+ people inter-
4 nationally, including activities in the economic, edu-
5 cation, health, nutrition, legal, and judicial sectors;

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

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

18 (8) to engage non-LGBTQI+ people as allies
19 and partners, as an essential element of making sus-
20 tained reductions in criminalization, discrimination,
21 and violence against LGBTQI+ people internation-
22 ally;

23 (9) to require that all recipients of Federal
24 funding, including all contractors, grants, and coop-
25 erative agreements for both acquisition and assist-

1 ance, establish appropriate nondiscrimination poli-
2 cies that are inclusive of sexual orientation, gender
3 identity, and sex characteristics, among other char-
4 acteristics and protected statuses, and take effective
5 measures to ensure the protection and safety of em-
6 ployed and contracted staff, as well as the protection
7 of the program beneficiaries;

8 (10) to exert sustained international leadership,
9 including in bilateral and multilateral fora, to pre-
10 vent and respond to criminalization, discrimination,
11 and violence against LGBTQI+ people internation-
12 ally;

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

18 (12) to work with governments and nongovern-
19 mental organizations around the world to develop
20 and implement regional strategies to decriminalize
21 homosexuality and to counteract other restrictions
22 on the human rights of LGBTQI+ people, including
23 restrictions on LGBTQI+ organizations and so-
24 called LGBTQI+ propaganda laws; and

1 (13) to ensure that individuals who have a well-
2 founded fear of persecution on account of being
3 LGBTQI+ or supporting LGBTQI+ rights have
4 the opportunity to seek protection in the United
5 States.

6 **SEC. 4. SPECIAL ENVOY FOR THE HUMAN RIGHTS OF**
7 **LGBTQI+ PEOPLE.**

8 (a) **ESTABLISHMENT.**—The Secretary of State shall
9 establish in the Department of State a permanent Special
10 Envoy for the Human Rights of LGBTQI+ People (re-
11 ferred to in this section as the “Special Envoy”), who shall
12 be appointed by the President at the rank of Ambassador,
13 by and with the advice and consent of the Senate.

14 (b) **PURPOSE.**—In addition to the duties described in
15 subsection (c) and those duties determined by the Presi-
16 dent and the Secretary of State, the Special Envoy shall
17 direct efforts of the United States Government relating
18 to United States foreign policy, as directed by the Presi-
19 dent and the Secretary, regarding human rights abuses
20 against LGBTQI+ people and communities internation-
21 ally and the advancement of human rights for LGBTQI+
22 people, and shall represent the United States internation-
23 ally in bilateral and multilateral engagement on such mat-
24 ters.

25 (c) **DUTIES.**—The Special Envoy shall—

1 (1) serve as the principal advisor to the Sec-
2 retary of State regarding the human rights of
3 LGBTQI+ people internationally; and

4 (2) at the direction of the Secretary of State—

5 (A) notwithstanding any other provision of
6 law—

7 (i) direct activities, policies, programs,
8 and funding relating to the human rights
9 of LGBTQI+ people and the advancement
10 of LGBTQI+ human rights and social in-
11 clusion initiatives internationally, for all
12 bureaus and offices of the Department of
13 State; and

14 (ii) lead the coordination of relevant
15 United States Government policies and
16 international programs for all other Fed-
17 eral agencies relating to such matters;

18 (B) represent the United States in diplo-
19 matic matters, including in bilateral and multi-
20 lateral forums, relevant to the human rights
21 and social inclusion of LGBTQI+ people, in-
22 cluding addressing criminalization, discrimina-
23 tion, and violence against LGBTQI+ people
24 internationally;

1 (C) direct, as appropriate, United States
2 Government resources to respond to needs for
3 protection, integration, resettlement, and em-
4 powerment of LGBTQI+ people in United
5 States Government policies and international
6 programs, including to prevent and respond to
7 criminalization, discrimination, and violence
8 against LGBTQI+ people internationally;

9 (D) lead interagency coordination on the
10 foreign policy, humanitarian, and development
11 priorities related to the human rights of
12 LGBTQI+ people internationally; and

13 (E) conduct regular consultations with
14 nongovernmental organizations working to pre-
15 vent and respond to criminalization, discrimina-
16 tion, and violence against LGBTQI+ people
17 internationally.

18 (d) BRIEFINGS AND ASSESSMENTS.—Not later than
19 180 days after the date of the enactment of this Act, and
20 annually thereafter, the Special Envoy shall provide a
21 briefing to the appropriate congressional committees on
22 the status of—

23 (1) the human rights and social inclusion of
24 LGBTQI+ people internationally; and

1 (2) programs and response strategies of the
2 United States Government to address criminaliza-
3 tion, discrimination, and violence against LGBTQI+
4 people internationally.

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

8 (1) GLOBAL STRATEGY REQUIREMENT.—Not
9 later than 180 days after the date of the enactment
10 of this Act, and biannually thereafter, the Special
11 Envoy shall—

12 (A) develop or update a United States
13 global strategy to prevent and respond to crim-
14 inalization, discrimination, and violence against
15 LGBTQI+ people internationally; and

16 (B) submit the global strategy to the ap-
17 propriate congressional committees and, if prac-
18 ticable, make the global strategy available to
19 the public.

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

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

1 (B) representatives of nongovernmental or-
2 ganizations with demonstrated experience in ad-
3 dressing criminalization, discrimination, and vi-
4 olence against LGBTQI+ people internationally
5 or promoting equal rights and social inclusion
6 for LGBTQI+ people internationally.

7 (f) MONITORING THE UNITED STATES STRATEGY TO
8 PREVENT AND RESPOND TO CRIMINALIZATION, DISCRIMI-
9 NATION, AND VIOLENCE AGAINST LGBTQI+ PEOPLE
10 AND COMMUNITIES INTERNATIONALLY.—In each global
11 strategy submitted pursuant to subsection (e)(2), the Spe-
12 cial Envoy shall include an analysis of promising practices
13 for preventing and addressing criminalization, discrimina-
14 tion, and violence against LGBTQI+ people and commu-
15 nities internationally, including—

16 (1) a description of successful efforts by foreign
17 governments and nongovernmental organizations to
18 prevent and respond to criminalization, discrimina-
19 tion, and violence against LGBTQI+ people and
20 communities internationally;

21 (2) recommendations related to promising prac-
22 tices, effective strategies, and improvements to en-
23 hance the impact of such prevention and response
24 efforts; and

1 (3) the impact of activities funded by the global
2 strategy in preventing and reducing criminalization,
3 discrimination, and violence against LGBTQI+ peo-
4 ple and communities internationally.

5 **SEC. 5. DOCUMENTING AND RESPONDING TO BIAS-MOTI-**
6 **VATED VIOLENCE AGAINST LGBTQI+ PEOPLE**
7 **ABROAD.**

8 (a) INFORMATION REQUIRED TO BE INCLUDED IN
9 ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRAC-
10 TICES.—

11 (1) SECTION 116.—Section 116(d) of the For-
12 eign Assistance Act of 1961 (22 U.S.C. 2151n(d))
13 is amended—

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

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

19 (C) by adding at the end the following:

20 “(13) wherever applicable, the nature and ex-
21 tent of criminalization, discrimination, and violence
22 by state and non-state actors based on sexual ori-
23 entation or gender identity (as such terms are de-
24 fined in section 7 of the International Human
25 Rights Defense Act of 2025) or sex characteristics,

1 including an identification of those countries that
2 have adopted laws or constitutional provisions that
3 criminalize or discriminate based on such sexual ori-
4 entation, gender identity, or sex characteristics, in-
5 cluding descriptions of such laws and provisions.”.

6 (2) SECTION 502B.—Section 502B of the For-
7 eign Assistance Act of 1961 (22 U.S.C. 2304) is
8 amended—

9 (A) by redesignating the second subsection
10 (i) (relating to child marriage status) as sub-
11 section (j); and

12 (B) by adding at the end the following:

13 “(k) SEXUAL ORIENTATION, GENDER IDENTITY,
14 AND SEX CHARACTERISTICS.—The report required under
15 subsection (b) shall include, wherever applicable, the na-
16 ture and extent of criminalization, discrimination, and vio-
17 lence by state and non-state actors based on sexual ori-
18 entation or gender identity, as those terms are defined in
19 section 7 of the International Human Rights Defense Act
20 of 2025, or sex characteristics, including an identification
21 of those countries that have adopted laws or constitutional
22 provisions that criminalize or discriminate based on such
23 sexual orientation, gender identity, or sex characteristics,
24 including descriptions of such laws and provisions.”.

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

6 The Secretary of State is authorized to provide assist-
7 ance to prevent and respond to criminalization, discrimi-
8 nation, and violence against LGBTQI+ people inter-
9 nationally by—

10 (1) developing and implementing assistance pro-
11 grams that respond to human rights abuses against,
12 and the social and economic exclusion of, LGBTQI+
13 people;

14 (2) supporting and capacity building for the de-
15 velopment and enforcement of the laws of foreign
16 governments pertaining to relevant civil and criminal
17 legal and judicial sanctions, protection, and training;

18 (3) enhancing health sector capacity—

19 (A) to detect, prevent, and respond to vio-
20 lence against LGBTQI+ people and commu-
21 nities internationally; and

22 (B) to combat HIV/AIDS in the
23 LGBTQI+ community internationally, in close
24 coordination with the Office of the Global AIDS
25 Coordinator and Health Diplomacy of the De-
26 partment of State; and

1 (4) developing a leadership program for inter-
2 national LGBTQI+ activists that will foster collabo-
3 ration and knowledge sharing around the world.

4 **SEC. 7. DEFINITIONS.**

5 In this Act:

6 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
7 **TEES.**—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Foreign Relations of
10 the Senate;

11 (B) the Committee on Appropriations of
12 the Senate;

13 (C) the Committee on Foreign Affairs of
14 the House of Representatives; and

15 (D) the Committee on Appropriations of
16 the House of Representatives.

17 (2) **GENDER IDENTITY.**—The term “gender
18 identity” means the gender-related identity, appear-
19 ance, or mannerisms or other gender-related charac-
20 teristics of an individual, regardless of the individ-
21 ual’s designated sex at birth.

22 (3) **INTERSEX.**—The term “intersex” means in-
23 dividuals born with sex characteristics (including
24 genitals, gonads, or chromosome patterns) that vary
25 from typical binary notions of male or female bodies

1 and is an umbrella term used to describe a wide
2 range of natural bodily variations.

3 (4) LGBTQI+.—The term “LGBTQI+”
4 means lesbian, gay, bisexual, transgender, queer, or
5 intersex.

6 (5) SEXUAL ORIENTATION.—The term “sexual
7 orientation” means actual or perceived homosex-
8 uality, heterosexuality, or bisexuality.

○