

118TH CONGRESS  
1ST SESSION

# H. R. 1736

To prohibit the availability of funds to provide assistance to foreign countries that criminalize or discriminate based on sexual orientation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2023

Mr. SANTOS introduced the following bill; which was referred to the  
Committee on Foreign Affairs

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## A BILL

To prohibit the availability of funds to provide assistance to foreign countries that criminalize or discriminate based on sexual orientation, 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 “Equality and Fiscal  
5 Accountability Protection Act of 2023”.

1 **SEC. 2. PROHIBITION ON AVAILABILITY OF FUNDS FOR**  
2 **FOREIGN COUNTRIES THAT CRIMINALIZE OR**  
3 **DISCRIMINATE BASED ON SEXUAL ORIENTA-**  
4 **TION.**

5 (a) PROHIBITION.—Except as provided in subsection  
6 (b), no Federal funds may be obligated or expended to  
7 provide assistance, directly or indirectly, to a country de-  
8 scribed in subsection (c).

9 (b) EXCEPTION.—

10 (1) IN GENERAL.—The President may author-  
11 ize an obligation or expenditure of Federal funds to  
12 assist a country described in subsection (c) only if  
13 the President determines, on a case-by-case basis,  
14 that such proposed obligation or expenditure is vital  
15 to the national security interests of the United  
16 States.

17 (2) BRIEFING.—Upon making a determination  
18 under paragraph (1), the President, acting through  
19 the Secretary of State, shall provide to the appro-  
20 priate congressional committees and congressional  
21 leadership a briefing on such determination.

22 (c) COUNTRIES DESCRIBED.—A country described in  
23 this subsection is a foreign country the government of  
24 which the President determines has enacted or established  
25 and is implementing any provision of law, or provision  
26 which has the force and effect of law, that criminalizes

1 or discriminates on the basis of sexual orientation, includ-  
2 ing by criminalizing homosexuality or same-sex marriage.

3 (d) DEFINITIONS.—In this section:

4 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
5 TEES.—The term “appropriate congressional com-  
6 mittees” means the following:

7 (A) The Committee on Foreign Affairs and  
8 the Permanent Select Committee on Intelligence  
9 of the House of Representatives.

10 (B) The Committee on Foreign Relations  
11 and the Select Committee on Intelligence of the  
12 Senate.

13 (2) CONGRESSIONAL LEADERSHIP.—The term  
14 “congressional leadership” means the following:

15 (A) The Speaker of the House of Rep-  
16 resentatives.

17 (B) The minority leader of the House of  
18 Representatives.

19 (C) The majority leader of the Senate.

20 (D) The minority leader of the Senate.

21 (e) EFFECTIVE DATE.—This Act shall take effect on  
22 the date that is 180 days after the date of the enactment  
23 of this Act.

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