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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

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April 25, 2023

The Honorable Katherine C. Tai
United States Trade Representative
600 17th Street, NW
Washington, DC 20508

The Honorable Anthony Blinken
U.S. Secretary of State
2201 C Street, NW
Washington, DC 20520

Dear Ambassador Tai and Secretary Blinken:

I write today with grave concern about the anti-LGBTQI+ bill recently passed by the Ugandan Parliament that is now awaiting signature by President Yoweri Museveni. I ask that you reach out to President Museveni and remind him of his obligations under the African Growth and Opportunity Act (AGOA) to uphold basic human rights. I also ask that you reach out to the European Union (EU) and consult as to whether the Everything But Arms (EBA) agreement carries the same sort of requirement for Uganda to participate.

The legislation currently awaiting President Museveni's signature, known formally as the "Anti-Homosexuality Bill 2023" expands existing criminal penalties for same-sex intimacy in Uganda, specifically making identifying as gay illegal and creates a duty for all Ugandans, including doctors, clergy, parents and lawyers, to report suspected individuals in same-sex relationships to authorities. It adds new criminal penalties for speech in support of LGBTQI+ persons or organizations and makes it a crime to rent housing or office space to suspected LGBTQI+ individuals. The human rights concerns raised by this bill are clear.

As Secretary Blinken made clear in a Pride statement last year, "it is not enough to stand up for LGBTQI+ rights at home. We have to continue, and we will continue to stand up for equal rights everywhere in partnership with local activists and local communities." I appreciate moreover, that Secretary Blinken is on the record, via Twitter, as stating that the Uganda bill would "undermine fundamental human rights of all Ugandans, and could reverse gains in the fight against HIV/AIDS." Given these statements, if this bill is passed into law, I urge the Administration to immediately consider the impact on Uganda's preference program eligibility.

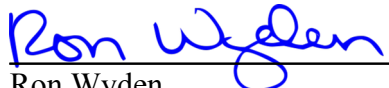
As you know, Uganda is a beneficiary of AGOA, which was signed into law in 2000. AGOA provides duty-free treatment to imports originating from beneficiary African countries. However, beneficiaries of AGOA must meet certain eligibility criteria, one of which is to not engage in “gross violations of internationally recognized human rights.” Relevant to this criterion, jurisprudence in international human rights law clearly supports respect for an individual's sexual orientation and gender identity as integral to fundamental human rights.

For this reason, I strongly urge you to communicate immediately to the Ugandan government, and President Yoweri Museveni directly, that Uganda's beneficiary status under AGOA will be revoked should he sign the legislation and allow it to be enacted. President Museveni was an early and active proponent of AGOA and knows first-hand the significance of the legislation and the seriousness that Congress employed in shaping it. The significance of Uganda losing its AGOA beneficiary status will not be lost on President Museveni and other leaders in sub-Saharan Africa.

Additionally, my understanding is that Uganda benefits from a regime similar to AGOA that is implemented by the EU: the EBA agreement. I ask that you reach out to the EU and consult to determine whether Uganda also risks its EBA benefits should it enact the Anti-Homosexuality Bill.

I appreciate your prompt attention to this urgent and important issue and look forward to a response as soon as possible with details as to your approach to this timely situation.

Sincerely,



Ron Wyden
United States Senator
Chairman, Committee on
Finance