

United States Senate

WASHINGTON, DC 20510

January 12, 2010

The Honorable Ron Kirk
United States Trade Representative
600 17th Street, NW
Washington, DC 20508

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

Dear Ambassador Kirk and Secretary Clinton:

I write today out of grave concern about the Anti-Homosexuality Bill being considered by Ugandan Parliament. The proposed legislation would incarcerate or sentence to death lesbian, gay, bisexual, and transgender (LGBT) Ugandans for engaging in private sexual acts, as well as those citizens who provide emotional, financial, or medical assistance for LGBT Ugandans. There are few words that could adequately express the barbarity of the Ugandan proposal. Secretary Clinton, you made it clear in your December 14th, 2009, speech at Georgetown University on the Human Rights Agenda for the 21st Century, that "we think it's important for the United States to stand against" violence and discrimination against LGBT persons. You identified the persecution of LGBT persons around the world as "a new frontier in the minds of many people about how we protect the LGBT community." Before us is a concrete opportunity to demonstrate our commitment to ending violence and discrimination against LGBT persons worldwide.

As you know, Uganda is a beneficiary of the African Growth and Opportunity Act (AGOA), which was signed in to law in 2000. AGOA provides duty-free treatment to imports originating from beneficiary African countries. Beneficiaries of AGOA must meet certain eligibility criteria, one of which is to not engage in "gross violations of internationally recognized human rights," and the jurisprudence in the area of international human rights supports respect of sexual orientation and gender identity as human rights. 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 the proposed legislation 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 European Union (EU): the Everything But Arms (EBA) agreement. I ask that the EU be consulted to determine whether Uganda also risks its EBA benefits should it enact the proposed Anti-Homosexuality Bill.

I intend to sponsor legislation to amend U.S. trade preference programs, including AGOA, to make clear that failure to appropriately respect sexual orientation and gender identity as human rights shall preclude a country from benefitting from any U.S. trade preference scheme. As the chairman of the International Trade Subcommittee of the Senate Committee on Finance, I look forward to working with you on this legislative initiative.

Sincerely,

A handwritten signature in cursive script that reads "Ron Wyden".

Ron Wyden
United States Senator