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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To encourage the protection and promotion of internationally recognized human rights during the novel coronavirus pandemic, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MCGOVERN introduced the following bill; which was referred to the Committee on _____

A BILL

To encourage the protection and promotion of internationally recognized human rights during the novel coronavirus pandemic, 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 “Protecting Human
5 Rights During Pandemic Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The United States led the drafting of the
2 Universal Declaration of Human Rights, which en-
3 shrines the commitment of countries around the
4 world to the protection and promotion of universal
5 human rights and values that are indispensable for
6 human dignity, including the rights to life, liberty,
7 security of person, freedom of movement, religion,
8 speech, peaceful assembly, association, freedom of
9 expression and the press, and freedom from arbi-
10 trary detention, discrimination, or invasion of pri-
11 vacy.

12 (2) Authorities in more than 83 countries, in-
13 cluding the United States, have declared states of
14 emergency and restricted the movement of people
15 due to the threat of the novel coronavirus, which
16 causes COVID-19, and which the World Health Or-
17 ganization designated a global pandemic on March
18 11, 2020.

19 (3) During public health emergencies, it may be
20 necessary and appropriate for governments to take
21 extraordinary action to halt the spread of disease
22 through steps such as restricting the movement of
23 people, closing businesses, and limiting access to
24 public spaces.

1 (4) States are legally obligated to continue to
2 protect the human rights of their citizens at all
3 times, subject to the principles of limitation and
4 derogation, even and especially during national
5 emergencies.

6 (5) In many countries with COVID–19 cases,
7 governments have taken steps that violate the
8 human rights of their citizens without clear scientific
9 or public health justifications, or any end date or
10 functional oversight.

11 (6) In some countries, including China and
12 Russia, governments are using existing and emerg-
13 ing surveillance technologies, including artificial in-
14 telligence and facial recognition software, without
15 appropriate safeguards, which violates the human
16 rights of their citizens, such as the rights to privacy
17 and freedom of movement, while claiming such ac-
18 tions are necessary to combat the novel coronavirus.

19 (7) In some countries, including Azerbaijan, El
20 Salvador, Hungary, Kazakhstan, and the Phil-
21 ippines, governments with a history of repressing
22 human rights are exploiting the current crisis to
23 consolidate power, sideline representative legislative
24 bodies, and silence criticism.

1 (8) In several countries, including Algeria,
2 Azerbaijan, Belarus, Cambodia, China, Egypt, Hon-
3 duras, Hungary, Iran, Jordan, Russia, South Africa,
4 Tajikistan, Thailand, the Philippines, Turkey,
5 Turkmenistan, Venezuela, and Zimbabwe, govern-
6 ments have restricted the ability of journalists and
7 other individuals to distribute or publish information
8 related to the novel coronavirus, including by impos-
9 ing criminal penalties, which violates the universal
10 human rights of free speech and freedom of the
11 press, and limits people’s access to information.

12 (9) Governments in countries with a history of
13 discrimination against minority populations, includ-
14 ing India and Uganda, have used the novel
15 coronavirus pandemic response to further discrimi-
16 nate against vulnerable populations.

17 (10) Actions taken by foreign governments,
18 under the guise of the coronavirus, that weaken
19 democratic institutions and restrict internationally
20 recognized human rights, contrary to the principles
21 of limitation and derogation, pose a threat to the
22 health, economic, and national security interests of
23 the United States.

24 **SEC. 3. SENSE OF CONGRESS.**

25 It is the Sense of Congress that—

1 (1) the United States should lead the inter-
2 national community in its efforts to respond to the
3 novel coronavirus pandemic;

4 (2) the United States, in implementing emer-
5 gency policies at home and through its diplomacy
6 and foreign assistance abroad, should promote the
7 protection of internationally recognized human
8 rights during and after the coronavirus pandemic;

9 (3) the Department of State and the United
10 States Agency for International Development (re-
11 ferred to in this Act as“ USAID”) should provide
12 assistance and implement programs, directly or
13 through nongovernmental organizations or inter-
14 national organizations, that —

15 (A) support democratic institutions, civil
16 society, free media, and other internationally
17 recognized human rights during, and in the
18 aftermath of, the novel coronavirus pandemic;
19 and

20 (B) ensure attention to countries in which
21 the government’s response to the pandemic vio-
22 lated human rights and democratic norms; and

23 (4) in implementing emergency policies in re-
24 sponse to the novel coronavirus pandemic—

1 (A) governments should fully respect and
2 comply with internationally recognized human
3 rights, including the rights to life, liberty, and
4 security of the person, the freedoms of move-
5 ment, religion, speech, peaceful assembly, asso-
6 ciation, freedom of expression and of the press,
7 and the freedom from arbitrary detention, dis-
8 crimination, or invasion of privacy;

9 (B) emergency restrictions or powers that
10 impact internationally recognized human rights,
11 including the rights to freedom of assembly, as-
12 sociation, and movement should be—

13 (i) narrowly tailored, proportionate,
14 and necessary to the government's legiti-
15 mate goal of ending the pandemic;

16 (ii) limited in duration;

17 (iii) clearly communicated to the pop-
18 ulation;

19 (iv) subject to independent govern-
20 ment oversight; and

21 (v) implemented in a nondiscrim-
22 inatory and fully transparent manner;

23 (C) governments—

1 (i) should not place any limits or
2 other restrictions on, or criminalize, the
3 free flow of information; and

4 (ii) should make all efforts to provide
5 and maintain open access to the internet
6 and other communications platforms;

7 (D) emergency measures should not dis-
8 criminate against any segment of the popu-
9 lation, including minorities, vulnerable individ-
10 uals, and marginalized groups;

11 (E) monitoring systems put in place to
12 track and reduce the impact of the novel
13 coronavirus should, at a minimum—

14 (i) abide by privacy best practices in-
15 volving data anonymization and aggrega-
16 tion;

17 (ii) be administered in an open and
18 transparent manner;

19 (iii) be scientifically justified and nec-
20 essary to limit the spread of disease;

21 (iv) be employed for a limited dura-
22 tion of time in correspondence with the
23 system's public health objective;

24 (v) be subject to independent over-
25 sight;

1 (vi) incorporate reasonable data secu-
2 rity measures; and

3 (vii) be firewalled from other commer-
4 cial and governmental uses, such as law
5 enforcement and the enforcement of immi-
6 gration policies; and

7 (F) governments should take every feasible
8 measure to protect the administration of free
9 and fair elections.

10 **SEC. 4. STATEMENT OF POLICY.**

11 It is the policy of the United States—

12 (1) to encourage the protection and promotion
13 of internationally recognized human rights at home
14 and abroad at all times and especially during the
15 novel coronavirus pandemic;

16 (2) to support freedom of expression and free-
17 dom of the press in the United States and elsewhere,
18 which freedoms are critical to ensuring public dis-
19 semination of, and access to, accurate information
20 about the novel coronavirus pandemic, including in-
21 formation authorities need to enact science-based
22 policies that limit the spread and impact of the
23 virus, while protecting human rights;

24 (3) to support multilateral efforts to address
25 the novel coronavirus pandemic; and

1 (4) to oppose the use of the novel coronavirus
2 pandemic as a justification for the enactment of
3 laws and policies that use states of emergency to vio-
4 late or otherwise restrict the human rights of citi-
5 zens, inconsistent with the principles of limitation
6 and derogation, and without clear scientific or public
7 health justifications, including the coercive, arbi-
8 trary, disproportionate, or unlawful use of surveil-
9 lance technology.

10 **SEC. 5. DEFINITIONS.**

11 In this Act:

12 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
13 **TEES.**—The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committee on Foreign Relations of
16 the Senate;

17 (B) the Committee on Appropriations of
18 the Senate;

19 (C) the Committee on Foreign Affairs of
20 the House of Representatives; and

21 (D) the Committee on Appropriations of
22 the House of Representatives.

23 (2) **INTERNATIONALLY RECOGNIZED HUMAN**
24 **RIGHTS.**—The term “internationally recognized
25 human rights” means—

1 (A) the human rights enshrined in the
2 Universal Declaration of Human Rights, includ-
3 ing the rights to life, liberty, security of person,
4 the freedom of movement, religion, speech,
5 peaceful assembly, association, freedom of ex-
6 pression and the press, the freedom from arbi-
7 trary detention, discrimination, or invasion of
8 privacy; and

9 (B) all other rights indispensable for
10 human dignity.

11 **SEC. 6. FUNDING FOR PROGRAMS AND COUNTRIES.**

12 (a) PROGRAM PRIORITIES.—Amounts appropriated
13 pursuant to section 9 may be made available for fiscal
14 years 2020 through 2025, to carry out the Foreign Assist-
15 ance Act of 1961 (22 U.S.C. 2151 et seq.), including pro-
16 grams to support democratic institutions, freedom of the
17 press, civil society, and human rights defenders in coun-
18 tries where government measures taken in response to the
19 novel coronavirus pandemic, including emergency meas-
20 ures, violated or seriously undermined internationally rec-
21 ognized human rights according to the principles set forth
22 in section 3(4). Programs carried out under this sub-
23 section shall be designed—

1 (1) to strengthen and support all internationally
2 recognized human rights, freedom of the press,
3 human rights defenders, and civil society; and

4 (2) to restore and strengthen democratic insti-
5 tutions.

6 (b) STRATEGY.—

7 (1) INITIAL STRATEGY.—Not later than 30
8 days after the date of the enactment of this Act, the
9 Secretary of State and the Administrator of USAID
10 shall jointly submit an initial strategy for carrying
11 out the programs referred to in subsection (a) to the
12 appropriate congressional committees.

13 (2) STRATEGIC PLAN.—Not later than 90 days
14 after the date of the enactment of this Act, the Sec-
15 retary of State and the Administrator of USAID
16 shall submit a 5-year strategic plan to the appro-
17 priate congressional committees that lays out the
18 steps the Department of State and USAID will take,
19 through diplomacy and foreign assistance, to address
20 the persistent issues related to internationally recog-
21 nized human rights in the aftermath of the novel
22 coronavirus response, including identifying the re-
23 sources necessary to implement such strategic plan.

1 (c) CONDITIONING OF SECURITY SECTOR ASSIST-
2 ANCE.—Section 502B(a)(4) of the Foreign Assistance Act
3 of 1961 (22 U.S.C. 2304) is amended—

4 (1) in subparagraph (A), by striking “or” at
5 the end;

6 (2) in subparagraph (B), by striking the period
7 at the end and inserting “; or”; and

8 (3) by adding at the end the following:

9 “(C) has engaged in the systematic viola-
10 tion of internationally recognized human rights
11 through the use of emergency laws, policies, or
12 administrative procedures.”.

13 **SEC. 7. REPORTING REQUIREMENTS.**

14 (a) INITIAL REPORT.—Not later than 60 days after
15 the date of the enactment of this Act, the Secretary of
16 State shall publish on the Department of State website,
17 and submit to the appropriate congressional committees,
18 a report that describes—

19 (1) for each country and territory included in
20 the annual *Country Reports on Human Rights Prac-*
21 *tices*, whether and how each country or territory has
22 adhered to the principles set forth in section 3(4) in
23 responding to the novel coronavirus pandemic;

24 (2) with regard to each country in which the re-
25 sponse to the novel coronavirus pandemic violated or

1 seriously undermined internationally recognized
2 human rights in a manner inconsistent with the
3 principles of limitation and derogation, a description
4 of—

5 (A) the actions of the United States Gov-
6 ernment to address such restrictions through
7 diplomacy and the use of foreign assistance;
8 and

9 (B) any efforts made by each country to
10 respond to and resolve such human rights con-
11 cerns;

12 (3) with regard to each country in which the re-
13 sponse to the coronavirus pandemic violated or seri-
14 ously undermined internationally recognized human
15 rights, a description of the impact of noncompliant
16 policies on—

17 (A) the population's access to health care
18 services;

19 (B) the population's access to services for
20 survivors of violence and abuse;

21 (C) women and ethnic, religious, sexual,
22 and other minority, vulnerable, or marginalized
23 populations; and

24 (D) the government's efforts and ability to
25 control the pandemic;

1 (4) whether any foreign person or persons with-
2 in a country have been determined to have com-
3 mitted gross violations of internationally recognized
4 human rights during the novel coronavirus pandemic
5 response, including any sanctions imposed on such
6 persons in accordance with United States law;

7 (5) actions taken by the Global Engagement
8 Center established under section 1287 of the Na-
9 tional Defense Authorization Act for Fiscal Year
10 2017 (22 U.S.C. 2656 note) to counter
11 disinformation related to the novel coronavirus pan-
12 demic; and

13 (6) the United States Government's efforts
14 around the world—

15 (A) to counter disinformation related to
16 the novel coronavirus pandemic; and

17 (B) to disseminate accurate information
18 about the pandemic.

19 (b) MONTHLY REPORTS.—Not later than 30 days
20 after the publication of the report required under sub-
21 section (a), and monthly thereafter until the date that is
22 60 days after the date on which the World Health Organi-
23 zation declares that the novel coronavirus pandemic has
24 ended, the Department of State and the United States

1 Agency for International Development shall provide, to the
2 appropriate congressional committees—

3 (1) a briefing containing updates on any new
4 developments related to issues covered in the report
5 published under subsection (a); and

6 (2) a list of the countries that have removed
7 coronavirus-related emergency restrictions impacting
8 internationally recognized human rights, including
9 details regarding the restrictions that were removed.

10 (c) FINAL REPORT.—Not later than 90 days after
11 the date on which the World Health Organization declares
12 that the novel coronavirus pandemic has ended, the Sec-
13 retary of State shall submit a report to the appropriate
14 congressional committees that—

15 (1) lists the countries whose emergency meas-
16 ures or other legal actions limiting internationally
17 recognized human rights in a manner inconsistent
18 with the principles of limitation and derogation ex-
19 tended beyond the end of the pandemic;

20 (2) describes such countries' emergency meas-
21 ures, including—

22 (A) how such procedures violate or seri-
23 ously undermine internationally recognized
24 human rights; and

1 (B) an analysis of the impact of such
2 measures on—

3 (i) the government's efforts and abil-
4 ity to control the pandemic within the
5 country;

6 (ii) the population's access to health
7 care services;

8 (iii) the population's access to services
9 for survivors of violence and abuse; and

10 (iv) women and ethnic, religious, sex-
11 ual, and other minority, vulnerable, or
12 marginalized populations;

13 (3) describes—

14 (A) any surveillance measures implemented
15 or utilized by the governments of such countries
16 as part of the novel coronavirus pandemic re-
17 sponse;

18 (B) the extent to which such measures
19 have been, or have not been, rolled back; and

20 (C) whether and how such measures im-
21 pact internationally recognized human rights;
22 and

23 (4) indicates whether any foreign person or per-
24 sons within a country have been determined to have
25 committed gross violations of internationally recog-

1 nized human rights during the novel coronavirus
2 pandemic response, including a description of any
3 resulting sanctions imposed on such persons under
4 United States law.

5 **SEC. 8. COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.**

6 (a) IN GENERAL.—Section 116(f)(1) of the Foreign
7 Assistance Act of 1961 (22 U.S.C. 2151n(f)(1)) is amend-
8 ed—

9 (1) by redesignating subparagraph (C) as sub-
10 paragraph (D); and

11 (2) by inserting after subparagraph (B) the fol-
12 lowing:

13 “(C) A description of—

14 “(i) any misuse by the government of such
15 country of any emergency powers;

16 “(ii) any failure by the government of such
17 country—

18 “(I) to state the specific duration of
19 the powers referred to in clause (i);

20 “(II) to clearly articulate the purposes
21 of such powers; or

22 “(III) to notify the United Nations re-
23 garding the use of such powers, as re-
24 quired by applicable treaty;

1 “(iii) any failure by the government of
2 such country—

3 “(I) to abide by the stated purposes of
4 the powers referred to in clause (i); or

5 “(II) to cease the use of such powers
6 after any specified term expires;

7 “(iv) any violations by the government of
8 such country of non-derogable rights;

9 “(v) any discriminatory implementation by
10 such government of the powers referred to in
11 clause (i);

12 “(vi) the impact of such powers on the ac-
13 cess of the people of such country to health care
14 services; and

15 “(vii) any development and proliferation of
16 surveillance technologies in such country, in-
17 cluding new or emerging technologies used by
18 the government of such country in the surveil-
19 lance of civilian populations in ways that are in-
20 consistent with the standards described in sec-
21 tion 3(4)(E)(i) through (vii) of the Protecting
22 Human Rights During Pandemic Act.”.

23 (b) HUMAN RIGHTS REPORT.—

24 (1) IN GENERAL.—Section 502B(b) of the For-
25 eign Assistance Act of 1961 (22 U.S.C. 2304(b) is

1 amended by inserting “Each report under this sec-
2 tion shall include the information described in sec-
3 tion 116(f)(1)(C).” after “the Secretary of State.”.

4 (2) BRIEFING.—The Assistant Secretary of
5 State for Democracy, Human Rights, and Labor
6 shall be available to brief the Committee on Foreign
7 Relations of the Senate and the Committee on For-
8 eign Affairs of the House of Representatives regard-
9 ing the annual *Country Reports on Human Rights*
10 *Practices* during the 90-day period beginning on the
11 date on which the reports are released.

12 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated such sums
14 as may be necessary to carry out—

15 (1) the strategy described in section 6(b)(1);

16 and

17 (2) the 5-year strategic plan described in sec-
18 tion 6(b)(2); and

19 (3) the reporting requirements set forth in sec-
20 tion 7.