

AMENDMENT TO RULES COMM. PRINT 116-57
OFFERED BY MR. MCGOVERN OF
MASSACHUSETTS

Add at the end of subtitle G of title XII the following:

1 **SEC. 12__.** **PROTECTION AND PROMOTION OF INTER-**
2 **NATIONALLY RECOGNIZED HUMAN RIGHTS**
3 **DURING THE NOVEL CORONAVIRUS PAN-**
4 **DEMIC.**

5 (a) STATEMENT OF POLICY.—It is the policy of the
6 United States to—

7 (1) encourage the protection and promotion of
8 internationally recognized human rights at home and
9 abroad at all times and especially during the novel
10 coronavirus pandemic;

11 (2) support freedom of expression and freedom
12 of the press in the United States and elsewhere,
13 which are critical to ensuring public dissemination
14 of, and access to, accurate information about the
15 novel coronavirus pandemic, including information
16 authorities need to enact science-based policies that
17 limit the spread and impact of the virus, while pro-
18 tecting human rights;

1 (3) support multilateral efforts to address the
2 novel coronavirus pandemic; and

3 (4) oppose the use of the novel coronavirus pan-
4 demic as a justification for the enactment of laws
5 and policies that use states of emergency to violate
6 or otherwise restrict the human rights of citizens, in-
7 consistent with the principles of limitation and dero-
8 gation, and without clear scientific or public health
9 justifications, including the coercive, arbitrary, dis-
10 proportionate, or unlawful use of surveillance tech-
11 nology.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

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

17 (2) the United States, in implementing emer-
18 gency policies at home and through its diplomacy,
19 foreign assistance, and security cooperation, should
20 promote the protection of internationally recognized
21 human rights during and after the novel coronavirus
22 pandemic;

23 (3) foreign assistance and security cooperation
24 provided by the Department of State, the United
25 States Agency for International Development

1 (USAID), and the Department of Defense, whether
2 implemented directly or through nongovernmental
3 organizations or international organizations,
4 should—

5 (A) support democratic institutions, civil
6 society, free media, and other internationally
7 recognized human rights during, and in the
8 aftermath of, the novel coronavirus pandemic;

9 (B) ensure attention to countries in which
10 the government's response to the pandemic vio-
11 lated human rights and democratic norms; and

12 (C) incentivize foreign military and secu-
13 rity force units to abide by their human rights
14 obligations, and in no way contribute to human
15 rights violations; and

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

18 (A) governments should fully respect and
19 comply with internationally recognized human
20 rights, including the rights to life, liberty, and
21 security of the person, the freedoms of move-
22 ment, religion, speech, peaceful assembly, asso-
23 ciation, freedom of expression and of the press,
24 and the freedom from arbitrary detention, dis-
25 crimination, or invasion of privacy;

1 (B) emergency restrictions or powers that
2 impact internationally recognized human rights,
3 including the rights to freedom of assembly, as-
4 sociation, and movement should be—

5 (i) grounded in law, narrowly tailored,
6 proportionate, and necessary to the govern-
7 ment's legitimate goal of ending the pan-
8 demic;

9 (ii) limited in duration;

10 (iii) clearly communicated to the pop-
11 ulation;

12 (iv) subject to independent govern-
13 ment oversight; and

14 (v) implemented in a nondiscrim-
15 inatory and fully transparent manner;

16 (C) governments—

17 (i) should not place any limits or
18 other restrictions on, or criminalize, the
19 free flow of information; and

20 (ii) should make all efforts to provide
21 and maintain open access to the internet
22 and other communications platforms;

23 (D) emergency measures should not dis-
24 criminate against any segment of the popu-

1 lation, including minorities, vulnerable individ-
2 uals, and marginalized groups;

3 (E) monitoring systems put in place to
4 track and reduce the impact of the novel
5 coronavirus should, at a minimum—

6 (i) abide by privacy best practices in-
7 volving data anonymization and aggrega-
8 tion;

9 (ii) be administered in an open and
10 transparent manner;

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

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

16 (v) be subject to independent over-
17 sight;

18 (vi) incorporate reasonable data secu-
19 rity measures; and

20 (vii) be firewalled from other commer-
21 cial and governmental uses, such as law
22 enforcement and the enforcement of immi-
23 gration policies; and

1 (F) governments should take every feasible
2 measure to protect the administration of free
3 and fair elections.

4 (c) REPORT ON COUNTERING DISINFORMATION.—
5 Not later than 60 days after the date of the enactment
6 of this Act, the Secretary of State, in coordination with
7 the Secretary of Defense and the heads of other relevant
8 Federal departments and agencies, shall submit to the ap-
9 propriate congressional committees a report on all actions
10 taken by the United States Government to counter
11 disinformation and disseminate accurate information
12 abroad related to the novel coronavirus pandemic.

13 (d) REPORT ON HUMAN RIGHTS.—Not later than 90
14 days after the date on which the World Health Organiza-
15 tion declares that the novel coronavirus pandemic has
16 ended, and having consulted with the appropriate congres-
17 sional committees, the Secretary of State, in coordination
18 with the Secretary of Defense, shall submit to the appro-
19 priate congressional committees a report that—

20 (1) identifies the countries in which emergency
21 measures or other legal actions taken in response to
22 the novel coronavirus pandemic were inconsistent
23 with the principles described in subsection (b)(4) or
24 otherwise limited internationally recognized human
25 rights in a manner inconsistent with the principles

1 of limitation and derogation extended beyond the
2 end of the novel coronavirus pandemic;

3 (2) identifies the countries in which such meas-
4 ures or actions continued beyond the end of the
5 novel coronavirus pandemic;

6 (3) for the countries identified pursuant to
7 paragraph (1), describes such emergency measures,
8 including—

9 (A) how such measures violated or seri-
10 ously undermined internationally recognized
11 human rights; and

12 (B) the impact of such measures on—

13 (i) the government's efforts and abil-
14 ity to control the pandemic within the
15 country;

16 (ii) the population's access to health
17 care services;

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

20 (iv) women and ethnic, religious, sex-
21 ual, and other minority, vulnerable, or
22 marginalized populations; and

23 (v) military-to-military activities, exer-
24 cises, or joint operations, including the
25 number and type of bilateral and multilat-

1 eral military events, cancelled or adjusted,
2 the type of joint Special Security Agree-
3 ment or Security Cooperation activity, and
4 the reason for cancellation;

5 (4) describes—

6 (A) any surveillance measures implemented
7 or utilized by the governments of such countries
8 as part of the novel coronavirus pandemic re-
9 sponse;

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

12 (C) whether and how such measures im-
13 pact internationally recognized human rights;

14 (5) indicates whether any foreign person or per-
15 sons within a country have been determined to have
16 committed gross violations of internationally recog-
17 nized human rights during the novel coronavirus
18 pandemic response, including a description of any
19 resulting sanctions imposed on such persons under
20 United States law; and

21 (6) provides recommendations relating to the
22 steps the United States Government should take,
23 through diplomacy, foreign assistance, and security
24 cooperation, to address the persistent issues related

1 to internationally recognized human rights in the
2 aftermath of the novel coronavirus pandemic.

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

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

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

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

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

15 (f) DEPARTMENT OF DEFENSE GUIDANCE.—Not
16 later 90 days after the date of the enactment of this Act,
17 the Secretary of Defense shall issue guidance that the pro-
18 gram of assessment, monitoring, and evaluation in support
19 of the security cooperation programs and activities main-
20 tained by the Department of Defense in accordance with
21 section 383 of title 10, United States Code, and intel-
22 ligence collections requirements of the combatant com-
23 mands shall include, for the next five fiscal years, indica-
24 tors of whether partner security forces have taken advan-

1 tage of the novel coronavirus pandemic and public health
2 control measures to—

3 (1) control, limit, or profit from the distribution
4 or supply of medical supplies, food, water, and other
5 essential goods;

6 (2) undermine civilian and parliamentary con-
7 trol or oversight of security forces;

8 (3) limit ability of civilian government authori-
9 ties to execute essential functions, including civilian
10 policing, justice delivery, detentions, or other forms
11 of essential community-level government service de-
12 livery;

13 (4) expand solicitation of bribes or compensa-
14 tion for use of or access to key transportation nodes
15 or networks, including roadways and ports;

16 (5) take control of media distribution or other-
17 wise limit the exercise of freedom of the press or dis-
18 tribution of radio, internet, or other broadcast
19 media;

20 (6) deepen religious or ethnic favoritism in de-
21 livery of security, justice, or other essential govern-
22 ment services; or

23 (7) otherwise undermine or violate internation-
24 ally recognized human rights in any way determined
25 of concern by the Secretary.

1 (g) COUNTRY REPORTS ON HUMAN RIGHTS PRAC-
2 TICES.—The Foreign Assistance Act of 1961 is amended
3 as follows:

4 (1) In section 116 (22 U.S.C. 2151n), by add-
5 ing at the end the following new subsection:

6 “(h) HUMAN RIGHTS VIOLATIONS DUE TO MISUSE
7 OF EMERGENCY POWERS AND SURVEILLANCE TECH-
8 NOLOGY.—The report required by subsection (d) shall in-
9 clude, wherever applicable, a description of any misuse by
10 the government of any country of any emergency powers
11 or measures, or any development or proliferation of any
12 surveillance technologies, that violated or seriously under-
13 mined internationally recognized human rights in a man-
14 ner inconsistent with the principles of limitation and dero-
15 gation, including the following information:

16 “(1) Any failure by the government of any
17 country to clearly articulate the purpose of emer-
18 gency powers or measures, or to specify the duration
19 of such powers or measures, or to notify the United
20 Nations regarding the use of such powers, as re-
21 quired by applicable treaty.

22 “(2) Any failure by the government of any
23 country to abide by the stated purposes of emer-
24 gency powers or measures, or to cease the use of
25 such powers after any specified term expires.

1 “(3) Any violations by the government of any
2 country of non-derogable rights due to the imple-
3 mentation of emergency powers or measures.

4 “(4) Any discriminatory implementation by the
5 government of any country of emergency powers or
6 measures, the populations affected, and the impact
7 on such populations.

8 “(5) Any development or proliferation of sur-
9 veillance technologies, including new or emerging
10 technologies used by the government of a country in
11 the surveillance of civilian populations, that—

12 “(A) fail to abide by privacy best practices
13 involving data anonymization and aggregation;

14 “(B) are not administered in an open and
15 transparent manner;

16 “(C) are not subject to independent over-
17 sight; and

18 “(D) fail to incorporate reasonable data se-
19 curity measures.”.

20 (2) In section 502B(b) (22 U.S.C. 2304(b)),
21 by—

22 (A) redesignating the second subsection (i)
23 (relating to child marriage) as subsection (j);
24 and

1 (B) adding at the end the following new
2 subsection:

3 “(k) HUMAN RIGHTS VIOLATIONS DUE TO MISUSE
4 OF EMERGENCY POWERS AND SURVEILLANCE TECH-
5 NOLOGY.—The report required by subsection (b) shall in-
6 clude, wherever applicable, a description of any misuse by
7 the government of any country of any emergency powers
8 or measures, or any development or proliferation of any
9 surveillance technologies, that violated or seriously under-
10 mined internationally recognized human rights in a man-
11 ner inconsistent with the principles of limitation and dero-
12 gation, including the following information:

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14 country to clearly articulate the purpose of emer-
15 gency powers or measures, or to specify the duration
16 of such powers or measures, or to notify the United
17 Nations regarding the use of such powers, as re-
18 quired by applicable treaty.

19 “(2) Any failure by the government of any
20 country to abide by the stated purposes of emer-
21 gency powers or measures, or to cease the use of
22 such powers after any specified term expires.

23 “(3) Any violations by the government of any
24 country of non-derogable rights due to the imple-
25 mentation of emergency powers or measures.

1 “(4) Any discriminatory implementation by the
2 government of any country of emergency powers or
3 measures, the populations affected, and the impact
4 on such populations.

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6 veillance technologies, including new or emerging
7 technologies used by the government of a country in
8 the surveillance of civilian populations, that—

9 “(A) fail to abide by privacy best practices
10 involving data anonymization and aggregation;

11 “(B) are not administered in an open and
12 transparent manner;

13 “(C) are not subject to independent over-
14 sight; and

15 “(D) fail to incorporate reasonable data se-
16 curity measures.”.

17 (h) DEFINITION.—In this section, the term “appro-
18 priate congressional committees” means—

19 (1) the Committee on Foreign Affairs, the
20 Committee on Armed Services, and the Committee
21 on Appropriations of the House of Representatives;
22 and

1 (2) the Committee on Foreign Relations, the
2 Committee on Armed Services, and the Committee
3 on Appropriations of the Senate.

