

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 6986  
OFFERED BY MRS. WAGNER OF MISSOURI**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Protecting Human  
3 Rights During Pandemic Act”.

**4 SEC. 2. FINDINGS.**

5       Congress makes the following findings:

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

17           (2) Authorities around the world, including in  
18      the United States, have declared states of emergency

1 and restricted the movement of people due to the  
2 threat of the novel coronavirus, which causes  
3 COVID–19, and which the World Health Organiza-  
4 tion designated a global pandemic on March 11,  
5 2020.

6 (3) During public health emergencies, it may be  
7 necessary and appropriate for governments to take  
8 extraordinary action to halt the spread of disease  
9 through steps such as restricting the movement of  
10 people, closing businesses, and limiting access to  
11 public spaces.

12 (4) Countries are legally obligated to continue  
13 to protect the human rights of their citizens at all  
14 times, subject to the principles of limitation and  
15 derogation, even and especially during national  
16 emergencies.

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

22 (6) In some countries, governments are using  
23 existing and emerging surveillance technologies, in-  
24 cluding artificial intelligence and facial recognition  
25 software, without appropriate safeguards, violating

1 human rights such as the rights to privacy and free-  
2 dom of movement while claiming that such actions  
3 are necessary to combat the novel coronavirus.

4 (7) In some countries, governments with a his-  
5 tory of repressing human rights are exploiting the  
6 current crisis to consolidate power, sideline rep-  
7 resentative legislative bodies, and silence criticism.

8 (8) In several countries, governments have re-  
9 stricted the ability of journalists and other individ-  
10 uals to distribute or publish information related to  
11 the novel coronavirus, including by imposing crimi-  
12 nal penalties, which violates the universal human  
13 rights of free speech and freedom of the press, and  
14 limits people's access to information.

15 (9) Governments in countries with a history of  
16 discrimination against minority populations have  
17 used the novel coronavirus pandemic response to fur-  
18 ther discriminate against such vulnerable popu-  
19 lations.

20 (10) Actions taken by foreign governments  
21 under the guise of the coronavirus that weaken  
22 democratic institutions and restrict internationally  
23 recognized human rights contrary to the principles  
24 of limitation and derogation pose a threat to the

1 health, economic, and national security interests of  
2 the United States.

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

4 It is the sense of Congress that—

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

8 (2) the United States, in implementing emer-  
9 gency policies at home and through its diplomacy,  
10 foreign assistance, and security cooperation abroad,  
11 should promote the protection of internationally rec-  
12 ognized human rights during and after the  
13 coronavirus pandemic;

14 (3) foreign and security sector assistance pro-  
15 vided by the Department of State and the United  
16 States Agency for International Development  
17 (“USAID”), whether directly or through nongovern-  
18 mental or international organizations, should—

19 (A) support democratic institutions, civil  
20 society, free media, and other internationally  
21 recognized human rights during, and in the  
22 aftermath of, the novel coronavirus pandemic;

23 (B) include nongovernmental entities in  
24 countries in which the government’s response to

1 the pandemic violated human rights and demo-  
2 cratic norms; and

3 (C) provide incentives to foreign military  
4 and security force units to abide by their  
5 human rights obligations, and in no way con-  
6 tribute to human rights violations; and

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

9 (A) governments should fully respect and  
10 comply with internationally recognized human  
11 rights, including the rights to life, liberty, and  
12 security of the person, the freedoms of move-  
13 ment, religion, speech, peaceful assembly, asso-  
14 ciation, freedom of expression and of the press,  
15 and the freedom from arbitrary detention, dis-  
16 crimination, or invasion of privacy;

17 (B) emergency restrictions or powers that  
18 impact internationally recognized human rights,  
19 including the rights to freedom of assembly, as-  
20 sociation, and movement should be—

21 (i) grounded in law, narrowly tailored,  
22 proportionate, and necessary to the govern-  
23 ment's legitimate goal of ending the pan-  
24 demic;

25 (ii) limited in duration;

1 (iii) clearly communicated to the pop-  
2 ulation;

3 (iv) subject to independent govern-  
4 ment oversight; and

5 (v) implemented in a nondiscrim-  
6 inatory and fully transparent manner;

7 (C) governments—

8 (i) should not place any limits or  
9 other restrictions on, or criminalize, the  
10 free flow of information; and

11 (ii) should make all efforts to provide  
12 and maintain open access to the internet  
13 and other communications platforms;

14 (D) emergency measures should not dis-  
15 criminate against any segment of the popu-  
16 lation, including minorities, vulnerable individ-  
17 uals, and marginalized groups;

18 (E) monitoring systems put in place to  
19 track and reduce the impact of the novel  
20 coronavirus should, at a minimum—

21 (i) abide by privacy best practices in-  
22 volving data anonymization and aggrega-  
23 tion;

24 (ii) be administered in an open and  
25 transparent manner;

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

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

6 (v) be subject to independent over-  
7 sight;

8 (vi) incorporate reasonable data secu-  
9 rity measures; and

10 (vii) be firewalled from other commer-  
11 cial and governmental uses, such as law  
12 enforcement and the enforcement of immi-  
13 gration policies; and

14 (F) governments should take every feasible  
15 measure to protect the administration of free  
16 and fair elections.

17 **SEC. 4. STATEMENT OF POLICY.**

18 It is the policy of the United States to—

19 (1) encourage the protection and promotion of  
20 internationally recognized human rights at home and  
21 abroad at all times;

22 (2) support freedom of expression and freedom  
23 of the press in the United States and elsewhere,  
24 which are critical to ensuring public dissemination  
25 of, and access to, accurate information about the

1 novel coronavirus pandemic, including information  
2 authorities need to enact science-based policies that  
3 limit the spread and impact of the virus, while pro-  
4 tecting human rights;

5 (3) support multilateral efforts to address the  
6 novel coronavirus pandemic; and

7 (4) oppose the use of the novel coronavirus pan-  
8 demic as a justification for the enactment of emer-  
9 gency laws, policies, or other administrative meas-  
10 ures to violate or otherwise restrict the human rights  
11 of citizens in a manner that is inconsistent with the  
12 principles of limitation and derogation and without  
13 clear scientific or public health justifications, includ-  
14 ing the coercive, arbitrary, disproportionate, or un-  
15 lawful use of surveillance technology.

16 **SEC. 5. REPORTING REQUIREMENTS.**

17 (a) REPORT ON COUNTERING DISINFORMATION.—  
18 Not later than 90 days after the date of the enactment  
19 of this Act, the Secretary of State, in coordination with  
20 the heads of other relevant Federal departments and agen-  
21 cies, shall submit to the appropriate congressional commit-  
22 tees a report on all actions taken by the United States  
23 Government to counter disinformation and disseminate ac-  
24 curate information abroad related to the novel coronavirus  
25 pandemic.



1 (b) REPORT ON HUMAN RIGHTS.—Not later than 90  
2 days after the date on which the World Health Organiza-  
3 tion declares that the novel coronavirus pandemic has  
4 ended, and having consulted with the appropriate congres-  
5 sional committees, the Secretary of State shall submit to  
6 the appropriate congressional committees a report that—

7 (1) identifies the countries in which emergency  
8 measures or other legal actions taken in response to  
9 the novel coronavirus pandemic were inconsistent  
10 with the principles described in section 3(4) or oth-  
11 erwise limited internationally recognized human  
12 rights in a manner inconsistent with the principles  
13 of limitation and derogation;

14 (2) identifies the countries in which such meas-  
15 ures or actions continued beyond the end of the  
16 novel coronavirus pandemic;

17 (3) with respect to each country identified pur-  
18 suant to paragraph (1), describes such emergency  
19 measures, including—

20 (A) the manner and extent to which such  
21 measures violated or seriously undermined  
22 internationally recognized human rights; and

23 (B) the impact of such measures on—

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

4 (ii) the population's access to health  
5 care services;

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

8 (iv) women, ethnic, religious, sexual,  
9 and other minority, vulnerable, or  
10 marginalized populations;

11 (4) describes—

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

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

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

20 (5) indicates whether the United States has de-  
21 termined that any foreign persons in such country  
22 have committed gross violations of internationally  
23 recognized human rights in the course of responding  
24 to the novel coronavirus pandemic, including a de-

1       scription of any United States sanctions imposed on  
2       such persons; and

3           (6) provides recommendations relating to the  
4       steps the United States Government should take,  
5       through diplomacy and foreign assistance to address  
6       the persistent issues related to the violation of inter-  
7       nationally recognized human rights in the aftermath  
8       of the novel coronavirus pandemic.

9       (c) STRATEGIC PLANNING.—The Secretary of State  
10      and the Administrator of USAID shall ensure that—

11           (1) the findings of the reports submitted pursu-  
12      ant to subsections (a) and (b) and the recommenda-  
13      tions developed in accordance with paragraph (6) of  
14      subsection (b) are taken into consideration in annual  
15      and multiyear strategic planning processes for each  
16      of fiscal years 2021 through 2026; and

17           (2) the annual and multiyear strategic plans of  
18      the Department of State and of USAID address the  
19      persistent issues related to the violation of inter-  
20      nationally recognized human rights in the aftermath  
21      of the novel coronavirus pandemic.

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

23       There is authorized to be appropriated for each of  
24      fiscal years 2021 through 2026 such sums as may be nec-  
25      essary to carry out programs pursuant to the Foreign As-

1 sistance Act of 1961 (22 U.S.C. 2151 et seq.) to support  
2 democratic institutions, freedom of the press, civil society,  
3 and human rights defenders in countries in which govern-  
4 ment measures taken in response to the novel coronavirus  
5 pandemic, including emergency measures, violated or seri-  
6 ously undermined internationally recognized human rights  
7 according to the principles set forth in section 3(4). Such  
8 programs shall be designed to—

9 (1) strengthen and support all internationally  
10 recognized human rights, freedom of the press,  
11 human rights defenders, and civil society; and

12 (2) restore and strengthen democratic institu-  
13 tions.

14 **SEC. 7. COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.**

15 The Foreign Assistance Act of 1961 is amended as  
16 follows:

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

19 “(h) HUMAN RIGHTS VIOLATIONS DUE TO MISUSE  
20 OF EMERGENCY POWERS.—The report required by sub-  
21 section (d) shall include, wherever applicable, a description  
22 of any misuse by the government of any country of any  
23 emergency powers or measures resulting in a violation of  
24 or seriously undermining internationally recognized

1 human rights in a manner inconsistent with the principles  
2 of limitation and derogation.”.

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

5 (A) redesignating the second subsection (i)  
6 (relating to child marriage) as subsection (j);  
7 and

8 (B) adding at the end the following new  
9 subsection:

10 “(k) HUMAN RIGHTS VIOLATIONS DUE TO MISUSE  
11 OF EMERGENCY POWERS.—The report required by sub-  
12 section (b) shall include, wherever applicable, a description  
13 of any misuse by the government of any country of any  
14 emergency powers or measures resulting in a violation of  
15 or seriously undermining internationally recognized  
16 human rights in a manner inconsistent with the principles  
17 of limitation and derogation.”.

18 **SEC. 8. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**

19 **FINED.**

20 In this Act:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
22 TEES.—The term “appropriate congressional com-  
23 mittees” means—

1           (2) the Committee on Foreign Affairs and the  
2           Committee on Appropriations of the House of Rep-  
3           resentatives; and

4           (3) the Committee on Foreign Relations and  
5           the Committee on Appropriations of the Senate.

