

116TH CONGRESS
2D SESSION

H. R. 7132

To provide accountability with respect to international reporting and monitoring of outbreaks of novel viruses and diseases.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2020

Mr. FITZPATRICK (for himself and Mr. LAMB) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, the Judiciary, and Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide accountability with respect to international reporting and monitoring of outbreaks of novel viruses and diseases.

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 “Never Again Inter-
5 national Outbreak Prevention Act”.

1 **SEC. 2. LISTS OF FOREIGN COUNTRIES BASED ON COMPLI-**
2 **ANCE WITH INTERNATIONAL REPORTING**
3 **AND MONITORING OF OUTBREAKS OF NOVEL**
4 **VIRUSES AND DISEASES.**

5 (a) LISTS OF FOREIGN COUNTRIES.—

6 (1) TIER 1 LIST.—

7 (A) IN GENERAL.—Not later than 180
8 days after the date of the enactment of this
9 Act, the Secretary of State shall establish a list
10 of foreign countries that the Secretary deter-
11 mines meet the requirements described in sub-
12 section (b).

13 (B) REFERENCE.—The list of foreign
14 countries established under this paragraph shall
15 be referred to as the “Tier 1 list”.

16 (2) TIER 2 LIST.—

17 (A) IN GENERAL.—Not later than 180
18 days after the date of the enactment of this
19 Act, the Secretary of State shall establish a list
20 of foreign countries that the Secretary deter-
21 mines do not meet the requirements described
22 in subsection (b) but are capable of meeting
23 such requirements.

24 (B) REVIEW.—The Secretary of State
25 shall conduct a review on an ongoing basis of
26 each country on the list established under this

1 paragraph to ensure that the country is taking
2 appropriate steps to meet the requirements de-
3 scribed in subsection (b).

4 (C) REFERENCE.—The list of foreign
5 countries established under this paragraph shall
6 be referred to as the “Tier 2 list”.

7 (3) TIER 3 LIST.—

8 (A) IN GENERAL.—Not later than 180
9 days after the date of the enactment of this
10 Act, the Secretary of State shall establish a list
11 of foreign countries that the Secretary deter-
12 mines do not meet the requirements described
13 in subsection (b) because such countries are not
14 capable, based on financial, security, or govern-
15 ment infrastructure reasons, of meeting such
16 requirements.

17 (B) REFERENCE.—The list of foreign
18 countries established under this paragraph shall
19 be referred to as the “Tier 3 list”.

20 (4) UPDATES.—The Secretary of State shall
21 submit to the appropriate congressional committees
22 an updated Tier 1 list under paragraph (1), an up-
23 dated Tier 2 list under paragraph (2), and an up-
24 dated Tier 3 list under paragraph (3)—

1 (A) not later than one year after the date
2 of the enactment of this Act and annually
3 thereafter; and

4 (B) as new information becomes available.

5 (b) INTERNATIONAL REPORTING AND MONITORING
6 REQUIREMENTS DESCRIBED.—The requirements de-
7 scribed in this subsection are the following:

8 (1) The foreign country has established proce-
9 dures and standards to comply with established
10 international “sentinel surveillance” systems to col-
11 lect data, identify trends, identify outbreaks, and
12 provide monitoring with respect to the burden of dis-
13 ease in a community.

14 (2) The foreign country has established proce-
15 dures and standards to ensure that novel viruses
16 and diseases are reported such international “sen-
17 tinel surveillance” systems not later than 3 days
18 after identification.

19 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion may be construed to apply with respect to the terri-
21 tory of a foreign country with respect to which the inter-
22 nationally recognized government of the country does not
23 control due to armed conflict.

24 (d) INCLUSION IN ANNUAL UNITED STATES GOV-
25 ERNMENT GLOBAL HEALTH SECURITY STRATEGY.—The

1 President shall ensure that the requirements of this sec-
2 tion are appropriately reflected in the annual United
3 States Government Global Health Security Strategy.

4 **SEC. 3. PRESIDENTIAL ACTIONS WITH RESPECT TO FOR-**
5 **EIGN COUNTRIES ON THE TIER 2 LIST.**

6 (a) IN GENERAL.—The President, in consultation
7 with the Secretary of State, shall take one or more of the
8 actions described in subsection (b) (or commensurate ac-
9 tion in substitution thereto) with respect to a foreign coun-
10 try that is on the Tier 2 list established under section 2(a).

11 (b) DESCRIPTION OF PRESIDENTIAL ACTIONS.—The
12 Presidential actions referred to in this subsection are the
13 following:

14 (1) A private demarche.

15 (2) An official public demarche.

16 (3) A public condemnation.

17 (4) A public condemnation within one or more
18 multilateral fora.

19 (5) The delay or cancellation of one or more
20 scientific exchanges.

21 (6) The delay or cancellation of one or more
22 cultural exchanges.

23 (7) The denial of one or more working, official,
24 or state visits.

1 (8) The delay or cancellation of one or more
2 working, official, or state visits.

3 (9) The withdrawal, limitation, or suspension of
4 United States development assistance in accordance
5 with section 116 of the Foreign Assistance Act of
6 1961.

7 (10) The withdrawal, limitation, or suspension
8 of United States security assistance in accordance
9 with section 502B of the Foreign Assistance Act of
10 1961.

11 (11) Consistent with section 701 of the Inter-
12 national Financial Institutions Act of 1977, direct-
13 ing the United States executive directors of inter-
14 national financial institutions to oppose and vote
15 against loans primarily benefiting the specific for-
16 eign government, agency, instrumentality.

17 (12) Ordering the heads of the appropriate
18 United States agencies not to issue any (or a speci-
19 fied number of) specific licenses, and not to grant
20 any other specific authority (or a specified number
21 of authorities), to export any goods or technology to
22 the specific foreign government, agency, instrumen-
23 tality under—

24 (A) the Export Control Reform Act of
25 2018;

1 (B) the Arms Export Control Act;
2 (C) the Atomic Energy Act of 1954; or
3 (D) any other statute that requires the
4 prior review and approval of the United States
5 Government as a condition for the export or re-
6 export of goods or services.

7 (13) Prohibiting any United States financial in-
8 stitution from making loans or providing credits to-
9 taling more than \$10,000,000 in any 12-month pe-
10 riod to the specific foreign government, agency, in-
11 strumentality.

12 (14) Prohibiting the United States Government
13 from procuring, or entering into any contract for the
14 procurement of, any goods or services from the for-
15 eign government, entities.

16 (c) WAIVER.—The President may waive the applica-
17 tion of subsection (a) with respect to a foreign country
18 if the President determines it is important to the national
19 interests of the United States to do so.

20 **SEC. 4. SOVEREIGN IMMUNITY WAIVER.**

21 (a) IN GENERAL.—Chapter 97 of title 28, United
22 States Code, is amended by inserting after section 1605B
23 the following:

1 **“§ 1605C. Responsibility of foreign states for pan-**
2 **dem ic outbreaks**

3 “(a) RESPONSIBILITY OF FOREIGN STATES.—A for-
4 eign state shall not be immune from the jurisdiction of
5 the courts of the United States in any case in which dam-
6 ages are sought against a foreign state for physical injury
7 to person or property or death occurring in the United
8 States and caused by a failure to abide the requirements
9 laid out in paragraphs (1) and (2) of section 2(b) of the
10 Never Again International Outbreak Prevention Act or are
11 determined to have intentionally misled the international
12 community or the WHO on the outbreak or spread of a
13 health concern that leads to a pandemic.

14 “(b) RULE OF CONSTRUCTION.—A foreign state shall
15 not be subject to the jurisdiction of the courts of the
16 United States under subsection (a) on the basis of an
17 omission or a tortious act or acts that constitute mere neg-
18 ligence.”.

19 (b) CLERICAL AMENDMENT.—

20 (1) The table of sections for chapter 97 of title
21 28, United States Code, is amended by inserting
22 after the item relating to section 1605A the fol-
23 lowing:

“1605C. Responsibility of foreign states for pandemic outbreaks.”.

24 (2) Subsection 1605(g)(1)(A) of title 28,
25 United States Code, is amended by striking “but for

1 section 1605A or section 1605B” and inserting “but
2 for section 1605A, 1605B, or 1605C”.

3 (c) STAY OF ACTIONS PENDING STATE NEGOTIA-
4 TIONS.—

5 (1) EXCLUSIVE JURISDICTION.—The courts of
6 the United States shall have exclusive jurisdiction in
7 any action in which a foreign state is subject to the
8 jurisdiction of a court of the United States under
9 section 1605C of title 28, United States Code.

10 (2) INTERVENTION.—The Attorney General
11 may intervene in any action in which a foreign state
12 is subject to the jurisdiction of a court of the United
13 States under section 1605C of title 28, United
14 States Code, for the purpose of seeking a stay of the
15 civil action, in whole or in part.

16 (3) STAY.—

17 (A) IN GENERAL.—A court of the United
18 States may stay a proceeding against a foreign
19 state if the Secretary of State certifies that the
20 United States is engaged in good faith discus-
21 sions with the foreign state defendant con-
22 cerning the resolution of the claims against the
23 foreign state, or any other parties as to whom
24 a stay of claims is sought.

25 (B) DURATION.—

1 (i) IN GENERAL.—A stay under this
2 subsection may be granted for not more
3 than 180 days.

4 (ii) EXTENSION.—

5 (I) IN GENERAL.—The Attorney
6 General may petition the court for an
7 extension of the stay for additional
8 180-day periods.

9 (II) RECERTIFICATION.—A court
10 shall grant an extension under sub-
11 clause (I) if the Secretary of State re-
12 certifies that the United States re-
13 mains engaged in good faith discus-
14 sions with the foreign state defendant
15 concerning the resolution of the
16 claims against the foreign state, or
17 any other parties as to whom a stay
18 of claims is sought.

19 **SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO**
20 **GOVERNMENT OFFICIALS OF FOREIGN COUN-**
21 **TRIES ON THE TIER 2 LIST.**

22 (a) IN GENERAL.—The President may impose the
23 sanctions described in subsection (b) with respect to any
24 foreign person the President determines, based on credible
25 evidence—

1 (1) is a government official of a foreign country
2 on the Tier 2 list established under section 2(a), or
3 a senior associate of such an official, that is respon-
4 sible for, or complicit in, ordering, controlling, or
5 otherwise directing, or financially benefits from, acts
6 intended to deliberately conceal or distort informa-
7 tion about a public health emergency of international
8 concern, including acts intended to deliberately with-
9 hold information from or obstruct the activities of
10 the World Health Organization with respect to a
11 public health emergency of international concern; or

12 (2) has materially assisted, sponsored, or pro-
13 vided financial, material, or technological support
14 for, or goods or services in support of, an act de-
15 scribed in paragraph (1).

16 (b) SANCTIONS DESCRIBED.—The sanctions to be
17 imposed with respect to a foreign person under subsection
18 (a) are the following:

19 (1) INADMISSIBILITY OF CERTAIN INDIVID-
20 UALS.—

21 (A) INELIGIBILITY FOR VISAS, ADMISSION,
22 OR PAROLE.—A foreign person who meets any
23 of the criteria described subsection (a) is—

24 (i) inadmissible to the United States;

1 (ii) ineligible to receive a visa or other
2 documentation to enter the United States;
3 and

4 (iii) otherwise ineligible to be admitted
5 or paroled into the United States or to re-
6 ceive any other benefit under the Immigra-
7 tion and Nationality Act (8 U.S.C. 1101 et
8 seq.).

9 (B) CURRENT VISAS REVOKED.—A foreign
10 person subject to subsection (a) is subject to
11 the following:

12 (i) Revocation of any visa or other
13 entry documentation regardless of when
14 the visa or other entry documentation is or
15 was issued.

16 (ii) A revocation under clause (i)
17 shall—

18 (I) take effect immediately; and

19 (II) automatically cancel any
20 other valid visa or entry documenta-
21 tion that is in the foreign person's
22 possession.

23 (2) BLOCKING OF PROPERTY.—The President
24 shall exercise all of the powers granted to the Presi-
25 dent by the International Emergency Economic

1 Powers Act (50 U.S.C. 1701 et seq.) (except that
2 the requirements of section 202 of such Act (50
3 U.S.C. 1701) shall not apply) to the extent nec-
4 essary to block and prohibit all transactions in prop-
5 erty and interests in property of the person if such
6 property and interests in property are in the United
7 States, come within the United States, or are or
8 come within the possession or control of a United
9 States person.

10 (c) CONSIDERATION OF CERTAIN INFORMATION IN
11 IMPOSING SANCTIONS.—In determining whether to im-
12 pose sanctions under subsection (a), the President shall
13 consider—

14 (1) information provided jointly by the chair-
15 person and ranking member of each of the appro-
16 priate congressional committees; and

17 (2) credible information obtained by other coun-
18 tries and nongovernmental organizations that mon-
19 itor violations of human rights and global health
20 issues, including issues related to infectious disease.

21 (d) REQUESTS BY APPROPRIATE CONGRESSIONAL
22 COMMITTEES.—

23 (1) IN GENERAL.—Not later than 120 days
24 after receiving a request that meets the require-
25 ments of paragraph (2) with respect to whether a

1 foreign person is described in subsection (a), the
2 President shall—

3 (A) determine if that person is so de-
4 scribed; and

5 (B) submit a classified or unclassified re-
6 port to the chairperson and ranking member of
7 the committee or committees that submitted the
8 request with respect to that determination that
9 includes—

10 (i) a statement of whether or not the
11 President imposed or intends to impose
12 sanctions with respect to the person; and

13 (ii) if the President imposed or in-
14 tends to impose sanctions, a description of
15 those sanctions.

16 (2) REQUIREMENTS.—A request under para-
17 graph (1) with respect to whether a foreign person
18 is described in subsection (a) shall be submitted to
19 the President in writing jointly by the chairperson
20 and ranking member of one of the appropriate con-
21 gressional committees.

22 (e) EXCEPTION TO COMPLY WITH UNITED NATIONS
23 HEADQUARTERS AGREEMENT AND LAW ENFORCEMENT
24 OBJECTIVES.—Sanctions under subsection (b)(1) shall

1 not apply to an individual if admitting the individual into
2 the United States—

3 (1) would further important law enforcement
4 objectives; or

5 (2) is necessary to permit the United States to
6 comply with the Agreement regarding the Head-
7 quarters of the United Nations, signed at Lake Suc-
8 cess June 26, 1947, and entered into force Novem-
9 ber 21, 1947, between the United Nations and the
10 United States, or other applicable international obli-
11 gations of the United States.

12 (f) ENFORCEMENT OF BLOCKING OF PROPERTY.—
13 A person that violates, attempts to violate, conspires to
14 violate, or causes a violation of subsection (b)(2) or any
15 regulation, license, or order issued to carry out that sub-
16 section shall be subject to the penalties set forth in sub-
17 sections (b) and (c) of section 206 of the International
18 Emergency Economic Powers Act (50 U.S.C. 1705) to the
19 same extent as a person that commits an unlawful act de-
20 scribed in subsection (a) of that section.

21 (g) REPORTS REQUIRED.—Not later than 120 days
22 after the date of the enactment of this Act, and annually
23 thereafter, the President shall submit to the appropriate
24 congressional committees a report that includes—

1 (1) a list of each foreign person with respect to
2 which the President imposed sanctions under sub-
3 section (b) during the year preceding the submission
4 of the report;

5 (2) a description of the type of sanctions im-
6 posed with respect to each such person;

7 (3) the number of foreign persons with respect
8 to which the President—

9 (A) imposed sanctions under subsection (b)
10 during that year; or

11 (B) terminated sanctions under subsection
12 (h) during that year;

13 (4) the dates on which such sanctions were im-
14 posed or terminated, as the case may be;

15 (5) the reasons for imposing or terminating
16 such sanctions; and

17 (6) a description of the efforts of the President
18 to encourage the governments of other countries to
19 impose sanctions that are similar to the sanctions
20 authorized by this section.

21 (h) TERMINATION OF SANCTIONS.—The President
22 may terminate the application of sanctions under this sec-
23 tion with respect to a person if the President determines
24 and reports to the appropriate congressional committees

1 not later than 15 days before the termination of the sanc-
2 tions that—

3 (1) credible information exists that the person
4 did not engage in the activity for which sanctions
5 were imposed;

6 (2) the person has been prosecuted appro-
7 priately for the activity for which sanctions were im-
8 posed;

9 (3) the foreign country of the person has been
10 upgraded from the Tier 2 list to the Tier 1 list es-
11 tablished under section 2(a); and

12 (4) the termination of the sanctions is in the
13 national security interests of the United States.

14 (i) REGULATORY AUTHORITY.—The President shall
15 issue such regulations, licenses, and orders as are nec-
16 essary to carry out this section.

17 (j) EXCEPTION RELATING TO IMPORTATION OF
18 GOODS.—

19 (1) IN GENERAL.—The authorities and require-
20 ments to impose sanctions under this section shall
21 not include the authority to impose sanctions on the
22 importation of goods.

23 (2) GOOD DEFINED.—In this subsection, the
24 term “good” means any article, natural or manmade
25 substance, material, supply, or manufactured prod-

1 uct, including inspection and test equipment, and ex-
2 cluding technical data.

3 (k) DEFINITIONS.—In this section:

4 (1) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committee on Banking, Housing,
8 and Urban Affairs and the Committee on For-
9 eign Relations of the Senate; and

10 (B) the Committee on Financial Services
11 and the Committee on Foreign Affairs of the
12 House of Representatives.

13 (2) FOREIGN PERSON.—The term “foreign per-
14 son” means a person that is not a United States
15 person.

16 (3) PERSON.—The term “person” means an in-
17 dividual or entity.

18 (4) UNITED STATES PERSON.—The term
19 “United States person” means—

20 (A) an individual who is a United States
21 citizen or an alien lawfully admitted for perma-
22 nent residence to the United States;

23 (B) an entity organized under the laws of
24 the United States or any jurisdiction within the

1 United States, including a foreign branch of
2 such an entity; or

3 (C) any person in the United States.

4 **SEC. 6. G-20 INVESTIGATION OF INTERNATIONAL RE-**
5 **SPONSE TO COVID-19.**

6 (a) IN GENERAL.—The President shall seek to work
7 with the heads of other Group of Twenty (commonly re-
8 ferred to as the “G-20”) countries and international orga-
9 nizations to—

10 (1) investigate and prepare a report on the
11 international response to the coronavirus disease
12 2019 (commonly known as “COVID-19”); and

13 (2) conduct an audit of the World Health Orga-
14 nization relating to its actions in response to
15 COVID-19.

16 (b) UNITED NATIONS ACTIONS.—The Permanent
17 United States Representative to the United Nations shall
18 request the United Nations Office of Internal Oversight
19 Services to establish a panel with representatives from
20 each G-20 country and international organization to—

21 (1) conduct a review of the World Health Orga-
22 nization’s response to COVID-19; and

23 (2) make recommendations to the United Na-
24 tions and the United Nations Security Council on
25 actions that can be taken to—

- 1 (A) ensure improved future responses; and
2 (B) ensure accountability of World Health
3 Organization officials for identified failures.

4 **SEC. 7. INTERNATIONAL RESPONSE TO WET MARKETS**
5 **Globally.**

6 (a) **IN GENERAL.**—The Permanent United States
7 Representative to the United Nations shall use the voice,
8 vote, and influence of the United States to seek the adop-
9 tion in the United Nations General Assembly or Security
10 Council of a resolution to ban wet markets described in
11 subsection (b) globally.

12 (b) **WET MARKETS DESCRIBED.**—A wet market de-
13 scribed in this subsection is a market where—

14 (1) animals are sold, dead or alive, for human
15 consumption;

16 (2) the origin of such animals and their health
17 cannot be certified; and

18 (3) the conditions in which such animals are
19 raised, kept, or sold are unhygienic.

20 **SEC. 8. PUBLIC HEALTH EMERGENCY OF INTERNATIONAL**
21 **CONCERN DEFINED.**

22 In this Act, the term “public health emergency of
23 international concern” means a public health emergency

1 determined to be a public health emergency of inter-
2 national concern by the World Health Organization.

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