

**AMENDMENT TO RULES COMM. PRINT 117-31**

**OFFERED BY MR. WITTMAN OF VIRGINIA**

Add at the end of division D the following:

1           **TITLE VII—SANCTIONS**  
2           **RELATING TO HEALTH MATTERS**

3           **SEC. 30701. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
4                           **CERTAIN MEMBERS OF THE CHINESE COM-**  
5                           **MUNIST PARTY AND HEADS OF CHINESE**  
6                           **HEALTH AGENCIES RELATING TO THE**  
7                           **COVID-19 PANDEMIC.**

8           (a) CHINESE COMMUNIST PARTY MEMBERS.—

9                   (1) IN GENERAL.—The President shall impose  
10           the sanctions described in section 1263 of the Global  
11           Magnitsky Human Rights Accountability Act (22  
12           U.S.C. 2656 note) with respect to any foreign per-  
13           son who is an official of the Chinese Communist  
14           Party that the President determines is knowingly re-  
15           sponsible for, complicit in, or has directly or indi-  
16           rectly engaged in—

17                   (A) the disappearances of whistleblowers  
18                   and citizen journalists in the People’s Republic  
19                   of China relating to the COVID-19 pandemic;  
20                   or

1 (B) the establishment of limits on freedom  
2 of speech and academic freedom in the People's  
3 Republic of China relating to the COVID-19  
4 pandemic.

5 (2) COORDINATION.—The President shall co-  
6 ordinate with the intelligence community for pur-  
7 poses of identifying foreign persons under this sub-  
8 section.

9 (b) CHINESE HEALTH AGENCIES HEADS.—The  
10 President shall impose the sanctions described in sub-  
11 section (c) with respect to the following foreign persons:

12 (1) Gao Fu, also known as George Fu Gao, the  
13 Director of the Center for Disease Control and Pre-  
14 vention of the People's Republic of China.

15 (2) Ma Xiaowei, Minister of the National  
16 Health Commission of the People's Republic of  
17 China.

18 (c) SANCTIONS DESCRIBED.—The sanctions de-  
19 scribed in this subsection with respect to a foreign person  
20 are the following:

21 (1) BLOCKING OF PROPERTY.—The President  
22 shall exercise all of the powers granted to the Presi-  
23 dent under the International Emergency Economic  
24 Powers Act (50 U.S.C. 1701 et seq.) (except that  
25 the requirements of section 202 of such Act (50

1 U.S.C. 1701) shall not apply) to the extent nec-  
2 essary to block and prohibit all transactions in prop-  
3 erty and interests in property of the person if such  
4 property and interests in property are in the United  
5 States, come within the United States, or come with-  
6 in the possession or control of a United States per-  
7 son.

8 (2) INADMISSIBILITY TO THE UNITED STATES  
9 AND REVOCATION OF VISA OR OTHER DOCUMENTA-  
10 TION.—

11 (A) INELIGIBILITY FOR VISA, ADMISSION,  
12 OR PAROLE.—The foreign person is—

13 (i) inadmissible to the United States;

14 (ii) ineligible to receive a visa or other  
15 documentation to enter the United States;

16 and

17 (iii) otherwise ineligible to be admitted  
18 or paroled into the United States or to re-  
19 ceive any other benefit under the Immigra-  
20 tion and Nationality Act (8 U.S.C. 1101 et  
21 seq.).

22 (B) CURRENT VISA REVOKED.—The visa  
23 or other entry documentation of the foreign  
24 person shall be revoked, regardless of when  
25 such visa or other entry documentation is or

1           was issued. A revocation under this subpara-  
2           graph shall take effect immediately and auto-  
3           matically cancel any other valid visa or entry  
4           documentation that is in the person's posses-  
5           sion.

6           (d) EXCEPTIONS.—

7           (1) TO COMPLY WITH UNITED NATIONS HEAD-  
8           QUARTERS AGREEMENT.—Sanctions under sub-  
9           section (c)(2) shall not apply with respect to a for-  
10          eign person described in subsection (b) if admitting  
11          or paroling the foreign person into the United States  
12          is necessary to permit the United States to comply  
13          with the Agreement regarding the Headquarters of  
14          the United Nations, signed at Lake Success June  
15          26, 1947, and entered into force November 21,  
16          1947, between the United Nations and the United  
17          States, or other applicable international obligations.

18          (2) TO CARRY OUT OR ASSIST LAW ENFORCE-  
19          MENT ACTIVITIES.—Sanctions under this section  
20          shall not apply to a foreign person, if admitting or  
21          paroling the foreign person into the United States is  
22          necessary to carry out or assist law enforcement ac-  
23          tivity in the United States.

24          (e) IMPLEMENTATION; PENALTIES.—

1           (1) IMPLEMENTATION.—The President may ex-  
2           ercise all authorities provided under sections 203  
3           and 205 of the International Emergency Economic  
4           Powers Act (50 U.S.C. 1702 and 1704) to carry out  
5           this section and shall issue such regulations, li-  
6           censes, and orders as are necessary to carry out this  
7           section.

8           (2) PENALTIES.—Any person that violates, at-  
9           tempts to violate, conspires to violate, or causes a  
10          violation of this section or any regulation, license, or  
11          order issued to carry out paragraph (1) shall be sub-  
12          ject to the penalties provided for in subsections (b)  
13          and (c) of section 206 of the International Emer-  
14          gency Economic Powers Act (50 U.S.C. 1705) to the  
15          same extent as a person that commits an unlawful  
16          act described in subsection (a) of that section.

17          (f) WAIVER.—The President may waive the applica-  
18          tion of sanctions imposed with respect to a foreign person  
19          under this section if the President—

20                 (1) determines that a waiver is in the national  
21                 interest of the United States; and

22                 (2) not later than the date on which such waiv-  
23                 er will take effect, submits to the appropriate con-  
24                 gressional committees a notice of and justification  
25                 for such waiver.

1 (g) TERMINATION OF SANCTIONS WITH RESPECT TO  
2 A FOREIGN PERSON.—

3 (1) IN GENERAL.—The President may termi-  
4 nate the application of sanctions imposed with re-  
5 spect to a foreign person under this section if the  
6 President makes a determination that—

7 (A) credible information exists that the  
8 person did not engage in the activity for which  
9 the sanctions were imposed; and

10 (B) the person has—

11 (i) credibly demonstrated a significant  
12 change in behavior; and

13 (ii) been subject to an appropriate  
14 consequence for the activity for which the  
15 sanctions were imposed.

16 (2) NOTIFICATION.—Not later than 15 days be-  
17 fore the date on which the application of sanctions  
18 imposed with respect to a foreign person is termi-  
19 nated under paragraph (1), the Secretary of State  
20 shall submit to the appropriate congressional com-  
21 mittees a report that—

22 (A) describes the evidence and justification  
23 for the necessity of the termination; and

1 (B) explains how the termination of the  
2 application of sanctions is in the national secu-  
3 rity interests of the United States.

4 (h) TERMINATION OF AUTHORITY TO IMPOSE SANC-  
5 TIONS.—The authority to impose sanctions under this sec-  
6 tion with respect to a foreign person described in sub-  
7 section (b) shall terminate on the date on which the Presi-  
8 dent certifies to the appropriate congressional committees  
9 that an independent, unimpeded investigation into the po-  
10 tential origin of COVID–19 from the Wuhan Institute of  
11 Virology has taken place.

12 (i) EXCEPTION RELATING TO IMPORTATION OF  
13 GOODS.—

14 (1) IN GENERAL.—The authorities and require-  
15 ments to impose sanctions under this section shall  
16 not include the authority or requirement to impose  
17 sanctions on the importation of goods.

18 (2) GOOD DEFINED.—In this subsection, the  
19 term “good” means any article, natural or man-  
20 made substance, material, supply or manufactured  
21 product, including inspection and test equipment,  
22 and excluding technical data.

23 **SEC. 30702. PROHIBITION ON NEW CONTRACTS.**

24 (a) INSTITUTIONS OF HIGHER EDUCATION.—

1           (1) IN GENERAL.—No Federal funds may be  
2           made available to an institution of higher education  
3           (as defined in section 102 of the Higher Education  
4           Act of 1965 (20 U.S.C. 1002)) that enters into a  
5           contract with—

6                   (A) any element or department of the Na-  
7                   tional Health Commission of the People’s Re-  
8                   public of China;

9                   (B) any agency or office that reports to  
10                  the National Health Commission of the People’s  
11                  Republic of China; or

12                  (C) any Chinese-based entity affiliated  
13                  with the National Health Commission of the  
14                  People’s Republic of China.

15           (2) PROGRAM PARTICIPATION AGREEMENTS  
16           UNDER THE HIGHER EDUCATION ACT OF 1965.—Sec-  
17           tion 487(a) of the Higher Education Act of 1965  
18           (20 U.S.C. 1094(a)) is amended by adding at the  
19           end the following:

20                   “(30) The institution will not enter into a con-  
21                   tract with—

22                           “(A) any element or department of the Na-  
23                           tional Health Commission of the People’s Re-  
24                           public of China;



1           “(B) any agency or office that reports to  
2           the National Health Commission of the People’s  
3           Republic of China; or

4           “(C) any Chinese-based entity affiliated  
5           with the National Health Commission of the  
6           People’s Republic of China.”.

7           (b) NATIONAL ACADEMY OF SCIENCES.—No Federal  
8           funds made available to the National Academy of Sciences  
9           may be used to enter into a contract with—

10           (1) any element or department of the National  
11           Health Commission of the People’s Republic of  
12           China;

13           (2) any agency or office that reports to the Na-  
14           tional Health Commission of the People’s Republic  
15           of China; or

16           (3) any Chinese-based entity affiliated with the  
17           National Health Commission of the People’s Repub-  
18           lic of China.

19   **SEC. 30703. REVIEW OF NIH FUNDING.**

20           Not later than 6 months after the date of enactment  
21           of this Act, the Comptroller General of the United States,  
22           in consultation with the Director of National Intelligence,  
23           shall—

24           (1) conduct a full review of all funds made  
25           available by the National Institutes of Health, di-

1 rectly or indirectly, during or after fiscal year 2010,  
2 to—

3 (A) the National Health Commission of the  
4 People’s Republic of China;

5 (B) any agency or office that reports to  
6 the National Health Commission of the People’s  
7 Republic of China; or

8 (C) any Chinese-based entity that is affili-  
9 ated with the National Health Commission of  
10 the People’s Republic of China;

11 (2) make publicly available, and submit to the  
12 Congress, a report on the results of such review; and

13 (3) in such report, clearly identify any funds  
14 described in paragraph (1) that were used for gain  
15 of function research.

16 **SEC. 30704. SENSE OF CONGRESS.**

17 It is the sense of Congress that given Taiwan’s early  
18 alerting to the global health community on the dangers  
19 of COVID–19 while senior officials in the Chinese Com-  
20 munist Party downplayed COVID–19 Taiwan should be  
21 granted observer status in the World Health Assembly  
22 (WHA).

23 **SEC. 30705. DEFINITIONS.**

24 In this title:

1           (1) ADMITTED; ALIEN.—The terms “admitted”  
2           and “alien” have the meanings given those terms in  
3           section 101 of the Immigration and Nationality Act  
4           (8 U.S.C. 1001).

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

8                   (A) the Committee on Foreign Affairs, the  
9                   Committee on Appropriations, and the Com-  
10                  mittee on Financial Services of the House of  
11                  Representatives; and

12                   (B) the Committee on Foreign Relations,  
13                   the Committee on Appropriations, and the  
14                   Committee on Banking, Housing, and Urban  
15                   Affairs of the Senate.

16           (3) FOREIGN PERSON.—The term “foreign per-  
17           son” means a person that is not a United States  
18           person.

19           (4) INTELLIGENCE COMMUNITY.—The term  
20           “intelligence community” has the meaning given  
21           that term in section 3(4) of the National Security  
22           Act of 1947 (50 U.S.C. 3003(4)).

23           (5) KNOWINGLY.—The term “knowingly”  
24           means, with respect to conduct, a circumstance, or  
25           a result, that a person has actual knowledge, or

1       should have known, of the conduct, the cir-  
2       cumstance, or the result.

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

5               (7) UNITED STATES PERSON.—The term  
6       “United States person” means—

7                       (A) a United States citizen, an alien law-  
8                       fully admitted for permanent residence to the  
9                       United States, or any other individual subject  
10                      to the jurisdiction of the United States;

11                     (B) an entity organized under the laws of  
12                     the United States or of any jurisdiction within  
13                     the United States, including a foreign branch of  
14                     such entity; or

15                     (C) any person in the United States.

