AMENDMENT TO RULES COMM. PRINT 117–31
OFFERED BY MR. WITTMAN OF VIRGINIA

Add at the end of division D the following:

TITLE VII—SANCTIONS
RELATING TO HEALTH MATTERS

SEC. 30701. IMPOSITION OF SANCTIONS WITH RESPECT TO
CERTAIN MEMBERS OF THE CHINESE COMMUNIST PARTY AND HEADS OF CHINESE HEALTH AGENCIES RELATING TO THE COVID–19 PANDEMIC.

(a) CHINESE COMMUNIST PARTY MEMBERS.—

(1) IN GENERAL.—The President shall impose the sanctions described in section 1263 of the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note) with respect to any foreign person who is an official of the Chinese Communist Party that the President determines is knowingly responsible for, complicit in, or has directly or indirectly engaged in—

(A) the disappearances of whistleblowers and citizen journalists in the People’s Republic of China relating to the COVID–19 pandemic; or
(B) the establishment of limits on freedom of speech and academic freedom in the People’s Republic of China relating to the COVID–19 pandemic.

(2) COORDINATION.—The President shall coordinate with the intelligence community for purposes of identifying foreign persons under this subsection.

(b) CHINESE HEALTH AGENCIES HEADS.—The President shall impose the sanctions described in subsection (c) with respect to the following foreign persons:

(1) Gao Fu, also known as George Fu Gao, the Director of the Center for Disease Control and Prevention of the People’s Republic of China.

(2) Ma Xiaowei, Minister of the National Health Commission of the People’s Republic of China.

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection with respect to a foreign person are the following:

(1) BLOCKING OF PROPERTY.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50
U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or come within the possession or control of a United States person.

(2) Inadmissibility to the United States and revocation of visa or other documentation.—

(A) Ineligibility for visa, admission, or parole.—The foreign person is—

(i) inadmissible to the United States;

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

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) Current visa revoked.—The visa or other entry documentation of the foreign person shall be revoked, regardless of when such visa or other entry documentation is or
was issued. A revocation under this subparagraph shall take effect immediately and automatically cancel any other valid visa or entry documentation that is in the person’s possession.

(d) Exceptions.—

(1) To comply with United Nations Headquarters Agreement.—Sanctions under subsection (c)(2) shall not apply with respect to a foreign person described in subsection (b) if admitting or paroling the foreign person into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(2) To carry out or assist law enforcement activities.—Sanctions under this section shall not apply to a foreign person, if admitting or paroling the foreign person into the United States is necessary to carry out or assist law enforcement activity in the United States.

(e) Implementation; Penalties.—
(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section and shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(2) PENALTIES.—Any person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out paragraph (1) shall be subject to the penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(f) WAIVER.—The President may waive the application of sanctions imposed with respect to a foreign person under this section if the President—

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

(2) not later than the date on which such waiver will take effect, submits to the appropriate congressional committees a notice of and justification for such waiver.
(g) Termination of Sanctions With Respect to a Foreign Person.—

(1) In General.—The President may terminate the application of sanctions imposed with respect to a foreign person under this section if the President makes a determination that—

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

(B) the person has—

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

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

(2) Notification.—Not later than 15 days before the date on which the application of sanctions imposed with respect to a foreign person is terminated under paragraph (1), the Secretary of State shall submit to the appropriate congressional committees a report that—

(A) describes the evidence and justification for the necessity of the termination; and
(B) explains how the termination of the application of sanctions is in the national security interests of the United States.

(h) TERMINATION OF AUTHORITY TO IMPOSE SANCTIONS.—The authority to impose sanctions under this section with respect to a foreign person described in subsection (b) shall terminate on the date on which the President certifies to the appropriate congressional committees that an independent, unimpeded investigation into the potential origin of COVID–19 from the Wuhan Institute of Virology has taken place.

(i) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions under this section shall not include the authority or requirement to impose sanctions on the importation of goods.

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

SEC. 30702. PROHIBITION ON NEW CONTRACTS.

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

(A) any element or department of the National Health Commission of the People’s Republic of China;

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

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

(2) PROGRAM PARTICIPATION AGREEMENTS UNDER THE HIGHER EDUCATION ACT OF 1965.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following:

“(30) The institution will not enter into a contract with—

“(A) any element or department of the National Health Commission of the People’s Republic of China;
“(B) any agency or office that reports to the National Health Commission of the People’s Republic of China; or

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

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

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

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

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

SEC. 30703. REVIEW OF NIH FUNDING.

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

(1) conduct a full review of all funds made available by the National Institutes of Health, di-
directly or indirectly, during or after fiscal year 2010, to—

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

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

(C) any Chinese-based entity that is affiliated with the National Health Commission of the People’s Republic of China;

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

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

SEC. 30704. SENSE OF CONGRESS.

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

SEC. 30705. DEFINITIONS.

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

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives; and

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

(3) FOREIGN PERSON.—The term “foreign person” means a person that is not a United States person.

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

(5) KNOWINGLY.—The term “knowingly” means, with respect to conduct, a circumstance, or a result, that a person has actual knowledge, or
should have known, of the conduct, the circumstance, or the result.

(6) PERSON.—The term “person” means an individual or entity.

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

(A) a United States citizen, an alien lawfully admitted for permanent residence to the United States, or any other individual subject to the jurisdiction of the United States;

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

(C) any person in the United States.