

117TH CONGRESS
1ST SESSION

S. _____

To impose sanctions with respect to members of the Chinese Communist Party and heads of Chinese health agencies relating to the COVID–19 pandemic, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARSHALL introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To impose sanctions with respect to members of the Chinese Communist Party and heads of Chinese health agencies relating to the COVID–19 pandemic, and for other purposes.

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 “Chinese Communist
5 Party Accountability Act of 2021”.

1 **SEC. 2. IMPOSITION OF SANCTIONS WITH RESPECT TO CER-**
2 **TAIN MEMBERS OF THE CHINESE COM-**
3 **MUNIST PARTY AND HEADS OF CHINESE**
4 **HEALTH AGENCIES RELATING TO THE**
5 **COVID-19 PANDEMIC.**

6 (a) CHINESE COMMUNIST PARTY MEMBERS.—

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

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

19 (B) the establishment of limits on freedom
20 of speech and academic freedom in the People’s
21 Republic of China relating to the COVID-19
22 pandemic.

23 (2) COORDINATION.—The President shall co-
24 ordinate with the intelligence community for pur-
25 poses of identifying foreign persons under this sub-
26 section.

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

4 (1) Gao Fu, also known as George Fu Gao, the
5 Director of the Center for Disease Control and Pre-
6 vention of the People’s Republic of China.

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

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

13 (1) BLOCKING OF PROPERTY.—The President
14 shall exercise all of the powers granted to the Presi-
15 dent under the International Emergency Economic
16 Powers Act (50 U.S.C. 1701 et seq.) (except that
17 the requirements of section 202 of such Act (50
18 U.S.C. 1701) shall not apply) to the extent nec-
19 essary to block and prohibit all transactions in prop-
20 erty and interests in property of the person if such
21 property and interests in property are in the United
22 States, come within the United States, or are or
23 come within the possession or control of a United
24 States person.

1 (2) INADMISSIBILITY TO THE UNITED STATES
2 AND REVOCATION OF VISA OR OTHER DOCUMENTA-
3 TION.—

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

6 (i) inadmissible to the United States;

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

10 (iii) otherwise ineligible to be admitted
11 or paroled into the United States or to re-
12 ceive any other benefit under the Immigra-
13 tion and Nationality Act (8 U.S.C. 1101 et
14 seq.).

15 (B) CURRENT VISA REVOKED.—The visa
16 or other entry documentation of the foreign
17 person shall be revoked, regardless of when
18 such visa or other entry documentation is or
19 was issued. A revocation under this subpara-
20 graph shall take effect immediately and auto-
21 matically cancel any other valid visa or entry
22 documentation that is in the person's posses-
23 sion.

24 (d) EXCEPTIONS.—

1 (1) TO COMPLY WITH UNITED NATIONS HEAD-
2 QUARTERS AGREEMENT.—Sanctions under sub-
3 section (c)(2) or described in section 1263(b)(2) of
4 the Global Magnitsky Human Rights Accountability
5 Act (22 U.S.C. 2656 note) shall not apply with re-
6 spect to a foreign person if admitting or paroling the
7 foreign person into the United States is necessary to
8 permit the United States to comply with the Agree-
9 ment regarding the Headquarters of the United Na-
10 tions, signed at Lake Success June 26, 1947, and
11 entered into force November 21, 1947, between the
12 United Nations and the United States, or other ap-
13 plicable international obligations.

14 (2) TO CARRY OUT OR ASSIST LAW ENFORCE-
15 MENT ACTIVITIES.—Sanctions under subsection
16 (c)(2) or described in section 1263(b)(2) of the
17 Global Magnitsky Human Rights Accountability Act
18 (22 U.S.C. 2656 note) shall not apply with respect
19 to a foreign person if admitting or paroling the for-
20 eign person into the United States is necessary to
21 carry out or assist law enforcement activity in the
22 United States.

23 (e) IMPLEMENTATION; PENALTIES.—

24 (1) IMPLEMENTATION.—The President may ex-
25 ercise all authorities provided under sections 203

1 and 205 of the International Emergency Economic
2 Powers Act (50 U.S.C. 1702 and 1704) to carry out
3 this section and shall issue such regulations, li-
4 censes, and orders as are necessary to carry out this
5 section.

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

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

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

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

24 (g) TERMINATION OF SANCTIONS WITH RESPECT TO
25 A FOREIGN PERSON.—

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

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

8 (B) the person has—

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

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

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

20 (A) describes the evidence and justification
21 for the necessity of the termination; and

22 (B) explains how the termination of the
23 application of sanctions is in the national secu-
24 rity interests of the United States.

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

9 (i) EXCEPTION RELATING TO IMPORTATION OF
10 GOODS.—

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

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

20 (j) DEFINITIONS.—In this section:

21 (1) ADMITTED; ALIEN.—The terms “admitted”
22 and “alien” have the meanings given those terms in
23 section 101 of the Immigration and Nationality Act
24 (8 U.S.C. 1001).

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Affairs, the
5 Committee on Appropriations, and the Com-
6 mittee on Financial Services of the House of
7 Representatives; and

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

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

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

19 (5) KNOWINGLY.—The term “knowingly”
20 means, with respect to conduct, a circumstance, or
21 a result, that a person has actual knowledge, or
22 should have known, of the conduct, the cir-
23 cumstance, or the result.

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

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

3 (A) a United States citizen, an alien law-
4 fully admitted for permanent residence to the
5 United States, or any other individual subject
6 to the jurisdiction of the United States;

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

11 (C) any person in the United States.