

URGING ADHERENCE TO THE "ONE COUNTRY, TWO SYSTEMS"
POLICY AS PRESCRIBED IN THE JOINT DECLARATION BE-
TWEEN THE GOVERNMENT OF GREAT BRITAIN AND THE
GOVERNMENT OF THE PRC ON THE QUESTION OF THE
HONG KONG; HONORING THE LIFE AND LEGACY OF LIU
XIAOBO; NORTH KOREA TRAVEL CONTROL ACT; AND TO
DIRECT THE SECRETARY OF STATE TO DEVELOP A STRAT-
EGY TO REGAIN OBSERVER STATUS FOR TAIWAN IN THE
WORLD HEALTH ORGANIZATION, AND FOR OTHER PURPOSES

MARKUP

BEFORE THE

SUBCOMMITTEE ON ASIA AND THE PACIFIC
OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

ON

H. Res. 422, H. Res. 445, H.R. 2732 and H.R. 3320

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JULY 27, 2017
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URGING ADHERENCE TO THE “ONE COUNTRY, TWO SYSTEMS” POLICY AS PRESCRIBED IN THE JOINT DECLARATION BETWEEN THE GOVERNMENT OF GREAT BRITAIN AND THE GOVERNMENT OF THE PRC ON THE QUESTION OF THE HONG KONG; HONORING THE LIFE AND LEGACY OF LIU XIAOBO; NORTH KOREA TRAVEL CONTROL ACT; AND TO DIRECT THE SECRETARY OF STATE TO DEVELOP A STRATEGY TO REGAIN OBSERVER STATUS FOR TAIWAN IN THE WORLD HEALTH ORGANIZATION, AND FOR OTHER PURPOSES

THURSDAY, JULY 27, 2017

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA AND THE PACIFIC,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:15 p.m., in room 2172 Rayburn House Office Building, Hon. Ted Yoho (chairman of the subcommittee) presiding.

Mr. YOHO. The subcommittee will come to order.

Good afternoon, everybody. We have called this markup to order today to consider four important measures that touch on pressing challenges the United States faces in the Asia-Pacific region. After the conclusion of this brief business meeting we will proceed immediately to our scheduled hearing on the administration’s fiscal year 2018 state and foreign operations budget request for the East Asia and Pacific region.

Pursuant to notice, we have four bipartisan measures on our agenda this afternoon. As members were notified yesterday, it is the intention of the Chair to consider today’s business en bloc so that we can proceed promptly to our hearing. All members may have 5 days to insert remarks into the record and without objection, the following measures and amendments will be considered en bloc: H. Res. 422, urging adherence to the one country, two systems policy as prescribed in the Joint Declaration between the Government of the United Kingdom of Great Britain and the Government of the People’s Republic of China on the Question of Hong King; H. Res. 445, honoring the life and legacy of Liu Xiaobo for his steadfast commitment to the protection of human rights, political freedoms, free markets, democratic elections, government accountability, and peaceful change in the People’s Republic of China, and Sherman Amendment 20 to H. Res. 445; H.R. 2732, the North Korea Travel Control Act, with Sherman Amendment 21 in the nature of a substitute to H.R. 2732; and H.R. 3320, to direct the Secretary of State to develop a strategy to regain observer status for Taiwan in the World Health Organization, and for other purposes.

[The information referred to follows:]

115TH CONGRESS
1ST SESSION

H. RES. 422

Urging adherence to the “one country, two systems” policy as prescribed in the Joint Declaration between the Government of the United Kingdom of Great Britain and the Government of the People’s Republic of China on the Question of the Hong Kong.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2017

Mr. ENGEL (for himself, Mr. CHABOT, Mr. SHERMAN, Mr. YOHO, and Mr. SMITH of New Jersey) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Urging adherence to the “one country, two systems” policy as prescribed in the Joint Declaration between the Government of the United Kingdom of Great Britain and the Government of the People’s Republic of China on the Question of the Hong Kong.

Whereas the People’s Republic of China assumed the exercise of sovereignty over the Hong Kong Special Administrative Region 20 years ago, on July 1, 1997;

Whereas the Joint Declaration between the Government of the United Kingdom of Great Britain and the Government of the People’s Republic of China on the Question of the Hong Kong (in this resolution referred to as the “Joint Declaration”) required China’s National People’s

Congress (NPC) to pass the “Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China” (in this resolution referred to as the “Basic Law”) consistent with the obligations contained in the Joint Declaration, which was approved by the NPC on April 4, 1990;

Whereas relations between the United States and Hong Kong are fundamentally based upon the continued maintenance of the “one country, two systems” policy stipulated in the United States-Hong Kong Policy Act of 1992 (Public Law 102–383; 22 U.S.C. 5701 et seq.) and established by the Joint Declaration;

Whereas under the “one country, two systems” policy established by the Joint Declaration, Hong Kong “will enjoy a high degree of autonomy except in foreign and defense affairs” and “will be vested with executive, legislative and independent judicial power including that of final adjudication”;

Whereas Hong Kong’s autonomy under the “one country, two systems” policy, as demonstrated by its highly developed rule of law, independent judiciary, and respect for the rights of individuals, has continued to make Hong Kong the preferred residence for over 85,000 United States citizens, and at least 1,400 United States businesses operate in Hong Kong;

Whereas the Joint Declaration and the Basic Law declare that the lifestyle and social and economic systems in Hong Kong will remain unchanged for 50 years after the 1997 reversion;

Whereas the Basic Law guarantees Hong Kong residents the freedoms of speech, press, publication, association, as-

sembly, demonstration, religious belief and activity, academic research, and the rights to form unions and to strike, among others;

Whereas the Basic Law also guarantees Hong Kong residents the right to vote and to stand for election;

Whereas although the Basic Law states that “the ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures”, the actual process for nominating eligible Chief Executive candidates remains heavily influenced by the Government of China;

Whereas widespread frustration with the lack of progress toward a democratic selection of candidates for Chief Executive provoked large-scale public demonstrations in late 2014, popularly known as the “Umbrella Movement”, that involved hundreds of thousands of demonstrators and the occupation of certain public spaces for as long as 79 days;

Whereas, although Hong Kong continues to enjoy high levels of economic freedom and judicial independence, certain recent actions by the Government of China are inconsistent with its stated commitments to Hong Kong’s high degree of autonomy and the preservation of the rule of law;

Whereas international press reported that from October through December 2015, four employees of Might Current publishing house and its affiliated bookstore, Causeway Bay Books, a Hong Kong seller of publications critical of Chinese leadership, disappeared under suspicious circumstances from Hong Kong, Thailand, and mainland

China, in potentially the most serious breach of the “one country, two systems” policy since 1997, which has had a chilling effect on the freedoms of speech and publication in Hong Kong;

Whereas international press reported that—

(1) Gui Minhai, a Swedish citizen and the co-owner of Mighty Current, was last seen in Thailand in October 2015;

(2) the general manager of Mighty Current, Lui Bo, and the business manager, Cheung Jiping, disappeared while on a visit to mainland China around October 2015; and

(3) Lee Bo, who holds British and Chinese citizenship and is a permanent resident of Hong Kong, disappeared from Hong Kong on December 30, 2015;

Whereas Mr. Lui, Mr. Cheung, and Mr. Lee each briefly returned to Hong Kong in March 2016 to ask Hong Kong police to drop their missing persons’ cases before immediately returning to mainland China;

Whereas Lam Wing Kee, another Causeway Bay Books bookseller, testified before the Congressional-Executive Commission on China that he was detained by officials in Shenzhen, China on October 24, 2015, moved to a detention facility more than 1,300 miles away, and held incommunicado and subjected to “endless interrogation” for seven and one-half months, during which he was forced to produce multiple, coerced confessions of “selling books illegally”;

Whereas, on November 7, 2016, while the Hong Kong High Court was considering its final ruling to determine if the oaths sworn by certain Legislative Council candidates were in accordance with Article 104 of the Basic Law,

the Standing Committee of the NPC issued its own interpretation of Article 104 of the Basic Law in an attempt to foreclose the opportunity for the legislators-elect to re-take their oaths and assume office;

Whereas that interpretation of Article 104 by the Standing Committee of the NPC represented the first time it had issued such an interpretation while a Hong Kong judge was deliberating on the case in question and only the second time it had done so in the absence of a request from Hong Kong authorities;

Whereas, according to the Hong Kong Bar Association, that preemptive interpretation was “unnecessary and inappropriate” and “created the impression that the [Standing Committee] is effectively legislating for Hong Kong, thereby casting doubts on the commitment of the Central People’s Government to abide by the principles of ‘one country, two systems’”; and

Whereas Hong Kong’s highly developed rule of law, independent judiciary, and respect for individual rights are fundamental to its way of life and economic prosperity:
Now, therefore, be it

- 1 *Resolved*, That the House of Representatives—
- 2 (1) recognizes, consistent with the United
- 3 States-Hong Kong Policy Act of 1992, that—
- 4 (A) Hong Kong continues to play an im-
- 5 portant role in today’s regional and world econ-
- 6 omy, with strong economic, cultural, and other
- 7 ties to the United States;

1 (B) respect for civil liberties, open mar-
2 kets, rule of law, and judicial independence are
3 all integral aspects of Hong Kong’s lifestyle and
4 social and economic systems; and

5 (C) the authority of the United States
6 Government to treat Hong Kong as a non-sov-
7 ereign entity distinct from China, for the pur-
8 poses of United States laws relating to trade, fi-
9 nance, transportation, economic and cultural
10 exchange, travel, law enforcement cooperation,
11 export controls, and other matters, depends on
12 Hong Kong remaining sufficiently autonomous;
13 and

14 (2) urges adherence to the “one country, two
15 systems” policy established by the *Joint Declaration*
16 and the Basic Law with respect to—

17 (A) Hong Kong’s exercise of a high degree
18 of autonomy;

19 (B) its enjoyment of executive, legislative,
20 and independent judicial power; and

21 (C) the robust protection of the funda-
22 mental rights of Hong Kong residents guaran-
23 teed by Chapter III of the Basic Law.

115TH CONGRESS
1ST SESSION

H. RES. 445

Honoring the life and legacy of Liu Xiaobo for his steadfast commitment to the protection of human rights, political freedoms, free markets, democratic elections, government accountability, and peaceful change in the People's Republic of China.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2017

Mr. MEADOWS (for himself, Mr. MCGOVERN, and Mr. SMITH of New Jersey) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Honoring the life and legacy of Liu Xiaobo for his steadfast commitment to the protection of human rights, political freedoms, free markets, democratic elections, government accountability, and peaceful change in the People's Republic of China.

Whereas Liu Xiaobo was born on December 28, 1955, in Changchun, China;

Whereas Liu Xiaobo received his bachelor's degree in literature from Jilin University in 1982, his master's degree at Beijing Normal University in 1984, and his doctorate degree in 1988 in literature, after publishing several best-selling books over the course of pursuing his doctorate degree;

Whereas Liu Xiaobo began his work as a visiting lecturer at universities across the world, including Columbia University in New York City;

Whereas over the tenure of his career, Liu Xiaobo authored 18 major publications;

Whereas Liu Xiaobo was active in the Tiananmen Square protests, where he initiated the “Tiananmen Four Gentlemen Hunger Strike”, which lasted three days;

Whereas Liu Xiaobo has been credited for saving many students’ lives by helping to negotiate their evacuation of the square;

Whereas Liu Xiaobo was detained and jailed for his role in the protests (1989–1991), and then jailed again for advocating that the Chinese government redress its wrongdoings in the student protest (1996–1999);

Whereas Liu Xiaobo married Liu Xia in 1996, who has stood bravely by his side as a partner and fellow activist;

Whereas, on December 9, 2008, a diverse group of more than 300 Chinese scholars, writers, lawyers, and activists issued Charter 08, a manifesto calling on the Chinese Communist Party to abandon authoritarian rule in favor of democracy, the guarantee of human rights, and the rule of law;

Whereas Liu Xiaobo was one of the original drafters of Charter 08 and was taken into custody just days before the manifesto was released;

Whereas in December 2009, a Beijing court sentenced Liu Xiaobo to 11 years in prison for “inciting subversion of state power” for his involvement in drafting Charter 08;

Whereas Liu Xiaobo was awarded the Nobel Peace Prize on October 8, 2010, “for his long and non-violent struggle for fundamental human rights in China”;

Whereas Liu Xiaobo’s wife, Liu Xia, has been held in extra-legal home confinement since October 2010, two weeks after her husband’s Nobel Peace Prize award was announced, and has reportedly suffered severe health problems over the years which required hospitalization;

Whereas in May 2011, the United Nations Working Group on Arbitrary Detention issued opinions declaring that the Chinese government’s imprisonment of Liu Xiaobo and the detention of Liu Xia both contravened the Universal Declaration of Human Rights;

Whereas Liu Xiaobo has also received over a dozen awards and honors from several international groups for his work as a defender of the press, an outstanding democratic activist, and a defender of human rights;

Whereas Liu Xiaobo was diagnosed with terminal liver cancer in May 2017;

Whereas Liu Xiaobo died on July 13, 2017, while serving his 11-year prison sentence; and

Whereas Liu Xiaobo dedicated his life to human rights, not only in his own country, but across the globe;

- 1 *Resolved*, That the House of Representatives—
- 2 (1) recognizes the life and accomplishments of
- 3 Liu Xiaobo; and
- 4 (2) calls for the Chinese government to release
- 5 Liu Xiaobo’s wife, Liu Xia, from house arrest, and

11

4

- 1 allow her to settle in a place or country of her own
- 2 choosing.

○

AMENDMENT TO H. RES. 445
OFFERED BY MR. SHERMAN OF CALIFORNIA

After the 13th whereas clause of the preamble, insert the following:

Whereas since Liu Xiaobo's death, authorities have reportedly removed Liu Xia to a southwestern province of Yunnan, where she has no known relatives or friends, in spite of official assertion that Liu Xia is "free";

Page 3, line 3, strike "and" at the end.

Page 4, line 2, strike the period and insert "; and".

Page 4, after line 2, insert the following:

- 1 (3) urges the United States Government to con-
- 2 tinuously advocate for Liu Xia's release when meet-
- 3 ing with Chinese authorities.



115TH CONGRESS
1ST SESSION

H. R. 2732

To prohibit travel-related transactions to, from, and within North Korea by persons subject to the jurisdiction of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2017

Mr. SCHIFF (for himself and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To prohibit travel-related transactions to, from, and within North Korea by persons subject to the jurisdiction of the United States, 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 “North Korea Travel
5 Control Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) In recent years, there has been an increase
2 in tourist travel to North Korea by citizens of West-
3 ern countries, including the United States.

4 (2) In the last ten years, at least 17 United
5 States citizens have been detained in North Korea,
6 and at least four citizens remain imprisoned in
7 North Korea as of May 2017. These Americans
8 traveled to North Korea for a variety of reasons, in-
9 cluding tourism travel, lured in part by its secrecy
10 and decades of closure to the West.

11 (3) The Government of North Korea has re-
12 peatedly detained United States citizens to be used
13 as bargaining chips in negotiations over a variety of
14 issues, including North Korea's illegal nuclear weap-
15 ons program and ballistic missile development, and
16 as a way to extract diplomatic concessions.

17 (4) The United States has undertaken great
18 diplomatic efforts to secure the release of Americans
19 detained in North Korea, including through visits by
20 former United States Presidents and cabinet level
21 officials.

22 (5) The Department of State strongly discour-
23 ages travel to North Korea, stating in a travel warn-
24 ing that United States citizens are at "serious risk

1 of arrest and long-term detention under North Ko-
2 rea’s system of law enforcement”.

3 (6) Travel to North Korea is a source of foreign
4 capital for the most self-isolated nation in the world,
5 helping to perpetuate an authoritarian regime which
6 brutally represses dissent.

7 **SEC. 3. REGULATIONS PROHIBITING TRAVEL-RELATED**
8 **TRANSACTIONS TO, FROM, AND WITHIN**
9 **NORTH KOREA BY PERSONS SUBJECT TO THE**
10 **JURISDICTION OF THE UNITED STATES.**

11 (a) **IN GENERAL.**—Not later than 90 days after the
12 date of the enactment of this Act, the Secretary of the
13 Treasury shall issue regulations prohibiting transactions
14 related to travel to, from, or within North Korea by any
15 person subject to the jurisdiction of the United States un-
16 less authorized either by a general license issued by the
17 Secretary of the Treasury or on a case-by-case basis by
18 a specific license issued by the Secretary of the Treasury.

19 (b) **PROHIBITION ON TRAVEL FOR TOURIST ACTIVI-**
20 **TIES.**—Notwithstanding any other provision of law, the
21 Secretary of the Treasury may not issue a general license
22 or a specific license for travel-related transactions for trav-
23 el to, from, or within North Korea by any person subject
24 to the jurisdiction of the United States if the primary pur-
25 pose of such travel is to engage in tourist activities.

1 (c) PENALTIES.—The penalties provided for in sec-
2 tion 206(b) of the International Emergency Economic
3 Powers Act (50 U.S.C. 1705(b)) shall apply to a person
4 that violates, attempts to violate, conspires to violate, or
5 causes a violation of regulations promulgated under this
6 section to the same extent that such penalties apply to
7 a person that commits an unlawful act described in section
8 206(a) of that Act.

9 (d) PERSON SUBJECT TO THE JURISDICTION OF THE
10 UNITED STATES.—In this section, the term “person sub-
11 ject to the jurisdiction of the United States” has the
12 meaning given such term in section 515.329 of title 31,
13 Code of Federal Regulations.

14 (e) SUNSET.—This section shall cease to be effective
15 beginning on the date that is 5 years after the date of
16 the enactment of this Act.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2732
OFFERED BY MR. SHERMAN OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “North Korea Travel
3 Restrictions Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) In recent years, there has been an increase
7 in tourist travel to North Korea by citizens of West-
8 ern countries, including the United States.

9 (2) In the past ten years, at least 17 United
10 States citizens have been detained in North Korea,
11 and three citizens remain imprisoned in North
12 Korea as of June 2017. These Americans traveled to
13 North Korea for a variety of reasons, including tour-
14 ism, lured in part by its secrecy and decades of clo-
15 sure to the West.

16 (3) In January 2016, United States citizen
17 Otto F. Warmbier traveled through China to North
18 Korea, where he was detained by North Korean au-

1 thorties and prohibited from leaving the country.
2 Warmbier was tried and convicted for allegedly at-
3 tempting to remove a propaganda poster from his
4 hotel and sentenced to 15 years hard labor.
5 Warmbier was denied consular access by the North
6 Korean Government from March 2, 2016, until his
7 return to the United States in June 2017. He was
8 returned to the United States in a coma and died
9 days later.

10 (4) The Government of North Korea has re-
11 peatedly detained United States citizens in order to
12 use them as bargaining chips in negotiations over a
13 variety of issues, including North Korea's illegal nu-
14 clear weapons program and ballistic missile develop-
15 ment and as a way to extract diplomatic concessions.

16 (5) The United States has undertaken signifi-
17 cant diplomatic efforts to secure the release of
18 Americans detained in North Korea, including
19 through visits by former United States Presidents
20 and cabinet level officials.

21 (6) The Department of State discourages travel
22 to North Korea, stating in a travel warning that be-
23 cause "the United States does not maintain diplo-
24 matic or consular relations with North Korea, the
25 U.S. government has no means to provide normal

1 consular services to U.S. citizens in North Korea”,
2 and that United States citizens are at “serious risk
3 of arrest and long-term detention under North Ko-
4 rea’s system of law enforcement”. In spite of this
5 warning, as many as 1,000 Americans travel to
6 North Korea as tourists each year.

7 (7) The tourism industry in North Korea is run
8 by state-owned enterprises, and foreign travel to
9 North Korea is a source of hard currency for the
10 North Korean Government, helping to perpetuate
11 the North Korean Government’s pursuit of illegal
12 weapons and its brutal violation of the human rights
13 of its own citizens.

14 (8) It remains longstanding United States for-
15 eign policy to authorize the provision of humani-
16 tarian and civil society assistance to vulnerable pop-
17 ulations in sanctioned countries, including by au-
18 thorizing travel and travel-related transactions to
19 support the provision of such assistance.

20 **SEC. 3. DETERMINATION REGARDING RESTRICTIONS ON**
21 **TRAVEL TO NORTH KOREA USING UNITED**
22 **STATES PASSPORTS.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that the Secretary of State should—

1 (1) assess the purposes for travel by United
2 States citizens to North Korea;

3 (2) analyze the unique risks posed to United
4 States citizens traveling to North Korea;

5 (3) explore all options for mitigating such risks;
6 and

7 (4) determine whether to restrict tourist and
8 other forms of travel to North Korea because such
9 travel could pose imminent danger to the physical
10 safety of United States citizens.

11 (b) DETERMINATION REQUIRED.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (4), not later than 30 days after the date of
14 the enactment of this Act, the Secretary of State
15 shall submit to the Committee on Foreign Affairs of
16 the House of Representatives and the Committee on
17 Foreign Relations of the Senate a determination, in-
18 cluding a justification for such determination, re-
19 garding whether travel to North Korea would pose
20 an “imminent danger to the public health or the
21 physical safety of United States travelers” or other-
22 wise satisfy the criteria described in section 1 of the
23 Act of July 3, 1926 (22 U.S.C. 211a) commonly
24 known as the “Passport Act of 1926”, for the re-
25 striction of the use of a passport. If the Secretary

1 makes an affirmative determination under this para-
2 graph, the Secretary shall, pursuant to such Act, re-
3 strict the use of a passport for travel to North
4 Korea.

5 (2) FORM.—The determination required by
6 paragraph (1) shall be submitted in unclassified
7 form but may include a classified annex.

8 (3) PUBLIC NOTICE.—If the Secretary of State
9 makes an affirmative determination under para-
10 graph (1), such determination shall be published in
11 the Federal Register in accordance with the require-
12 ments of section 51.63(b) of title 22, Code of Fed-
13 eral Regulations (as in effect on the date of the en-
14 actment of this Act).

15 (4) EXCEPTIONS.—

16 (A) IN GENERAL.—A restriction on travel
17 imposed pursuant to an affirmative determina-
18 tion under paragraph (1) shall not apply under
19 any of the following circumstances:

20 (i) The United States citizen is a pro-
21 fessional reporter or journalist, the purpose
22 of whose trip is to obtain, and make avail-
23 able to the public, information about North
24 Korea.

1 (ii) The United States citizen is a rep-
2 resentative of the International Committee
3 of the Red Cross or the American Red
4 Cross traveling pursuant to an officially-
5 sponsored Red Cross mission.

6 (iii) The United States citizen's travel
7 is justified by compelling humanitarian
8 considerations.

9 (iv) The United States citizen is trav-
10 eling on official business of the United
11 States Government.

12 (v) The United States citizen is trav-
13 eling on official business of an intergovern-
14 mental organization.

15 (vi) The United States citizen is trav-
16 eling for the purpose of family reunifica-
17 tion.

18 (vii) The United States citizen is trav-
19 eling on behalf of an entity that is oper-
20 ating in North Korea under a general li-
21 cense issued by the Department of the
22 Treasury.

23 (B) SPECIAL VALIDATION IN THE NA-
24 TIONAL INTEREST.—

1 (i) IN GENERAL.—The Secretary of
2 State may grant a special validation to
3 permit a United States citizen to travel to
4 North Korea if such travel is otherwise re-
5 stricted pursuant to an affirmative deter-
6 mination under paragraph (1) and not
7 subject to an exception under subpara-
8 graph (A) if the Secretary determines that
9 such travel is in the national interest of
10 the United States.

11 (ii) WRITTEN ACKNOWLEDGMENT.—
12 The Secretary of State shall require any
13 United States citizen seeking to travel to
14 North Korea to state in writing the pur-
15 pose of such citizen's travel and to ac-
16 knowledge in writing that such citizen un-
17 derstands and accepts—

18 (I) the risks inherent in travel to,
19 from, or within North Korea; and

20 (II) the significant limitations of
21 United States Government assistance
22 to United States citizen travelers in
23 jeopardy in North Korea.

24 (5) PENALTIES.—

1 (A) IN GENERAL.—Any person who travels
2 to or within North Korea using a passport re-
3 stricted pursuant to an affirmative determina-
4 tion under paragraph (1) may be subject to a
5 civil penalty of not more than \$100,000.

6 (B) NON-APPLICABILITY OF CRIMINAL
7 PENALTIES.—The penalties provided for a vio-
8 lation of section 1544 of title 18, United States
9 Code, shall not apply with respect to a person
10 traveling to North Korea using a passport re-
11 stricted pursuant to an affirmative determina-
12 tion under paragraph (1).

⊗

.....
(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

To direct the Secretary of State to develop a strategy to regain observer status for Taiwan in the World Health Organization, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. YOHIO (for himself, Mr. ROYCE of California, Mr. ENGEL, Mr. SHERMAN, Mr. CLABOT, and Mr. CONNOLLY) introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Secretary of State to develop a strategy to regain observer status for Taiwan in the World Health Organization, 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. PARTICIPATION OF TAIWAN IN THE WORLD**
4 **HEALTH ORGANIZATION.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The World Health Organization (WHO) is
8 a specialized agency of the United Nations, charged

1 with coordinating health efforts within the United
2 Nations system. The World Health Assembly
3 (WHA) is the decision-making body of the WHO,
4 which convenes annually in May to set the policies
5 and priorities of the organization. Statehood is not
6 a requirement for attendance at the WHA, and nu-
7 merous observers, including non-members and non-
8 governmental organizations, attended the most re-
9 cent WHA in May 2017.

10 (2) Taiwan began seeking to participate in the
11 WHO as an observer in 1997. In 2009, with strong
12 support from successive United States Administra-
13 tions, Congress, and like-minded WHO Member
14 States, and during a period of improved Cross-Strait
15 relations, Taiwan received an invitation to attend
16 the WHA as an observer under the name “Chinese
17 Taipei”. Taiwan received the same invitation each
18 year until 2016, when following the election of Presi-
19 dent Tsai-Ing Wen of the Democratic Progressive
20 Party, Taiwan’s engagement in the international
21 community began facing increased resistance from
22 the People’s Republic of China (PRC). Taiwan’s in-
23 vitation to the 2016 WHA was received late and in-
24 cluded new language conditioning Taiwan’s partici-

1 pation on the PRC's "one China principle". In 2017,
2 Taiwan did not receive an invitation to the WHA.

3 (3) Taiwan remains a model contributor to
4 world health, having provided financial and technical
5 assistance to respond to numerous global health
6 challenges. Taiwan has invested over \$6 billion in
7 international medical and humanitarian aid efforts
8 impacting over 80 countries since 1996. In 2014,
9 Taiwan responded to the Ebola crisis by donating \$1
10 million and providing 100,000 sets of personal pro-
11 tective equipment. Through the Global Cooperation
12 and Training Framework, the United States and
13 Taiwan have jointly conducted training programs for
14 experts to combat MERS, Dengue Fever, and Zika.
15 These diseases know no borders, and Taiwan's need-
16 less exclusion from global health cooperation in-
17 creases the dangers presented by global pandemics.

18 (4) Taiwan's international engagement has
19 faced increased resistance from the PRC. Taiwan
20 was not invited to the 2016 Assembly of the Inter-
21 national Civil Aviation Organization (ICAO), despite
22 participating as a guest at the organization's prior
23 summit in 2013. Taiwan's request to participate in
24 the 2016 General Assembly of the International
25 Criminal Police Organization (INTERPOL) was also

1 rejected. In May 2017, PRC delegates disrupted a
2 meeting of the Kimberley Process on conflict dia-
3 monds held in Perth, Australia, until delegates from
4 Taiwan were asked to leave. In June 2017, the Re-
5 public of Panama granted diplomatic recognition to
6 the PRC, terminating a longstanding diplomatic re-
7 lationship with Taiwan.

8 (5) Congress has established a policy of support
9 for Taiwan's participation in international bodies
10 that address shared transnational challenges, par-
11 ticularly in the WHO. Congress passed H.R.1794 in
12 the 106th Congress, H.R.428 in the 107th Congress,
13 and S.2092 in the 108th Congress to direct the Sec-
14 retary of State to establish a strategy for, and to re-
15 port annually to Congress on, efforts to obtain ob-
16 server status for Taiwan at the WHA. Congress also
17 passed H.R.1151 in the 113th Congress, directing
18 the Secretary to report on a strategy to gain ob-
19 server status for Taiwan at the ICAO Assembly, and
20 H.R.1853 in the 114th Congress, directing the Sec-
21 retary to report on a strategy to gain observer status
22 for Taiwan at the INTERPOL Assembly. However,
23 in 2016 Taiwan did not receive invitations to attend
24 any of these events as an observer.

1 (b) AUGMENTATION OF REPORT CONCERNING THE
2 PARTICIPATION OF TAIWAN IN THE WORLD HEALTH OR-
3 GANIZATION.—

4 (1) IN GENERAL.—Subsection (c) of section 1
5 of Public Law 108–235 (118 Stat. 656) is amended
6 by adding at the end the following new paragraph:

7 “(3) An account of the changes and improve-
8 ments the Secretary of State has made to the
9 United States plan to endorse and obtain observer
10 status for Taiwan at the World Health Assembly,
11 following any annual meetings of the World Health
12 Assembly at which Taiwan did not obtain observer
13 status.”.

14 (2) EFFECTIVE DATE.—The amendment made
15 by paragraph (1) shall take effect and apply begin-
16 ning with the first report required under subsection
17 (c) of section 1 of Public Law 108–235 that is sub-
18 mitted after the date of the enactment of this Act.

Mr. YOHO. Before turning to our ranking member, I recognize myself to speak on today's business.

H. Res. 422, introduced by Ranking Member Engel, will help draw greater attention to recent developments in Hong Kong where actions by the Government of China have interfered in Hong Kong's autonomy and caused the civil liberties—and caused a chill in civil liberties. The erosion of the one country, two systems policy threatens to destroy what makes Hong Kong unique and vibrant, so I commend the ranking member for introducing this legislation.

Congressman Meadows' H. Res. 445 honoring the life of Liu Xiaobo is a fitting way for the Congress to pay its respect to this remarkable proponent of democracy and Nobel Prize winner. Liu's widow, Liu Xia, remains detained by the agents of the Chinese Government, raising the same concerns about access to quality medical care that have been implicated in her husband's death while he was in prison.

Ranking Member Sherman's amendment will strengthen the resolution as it relates to Liu Xia. I am proud to support this amendment as well as the underlying text.

Congressman Schiff's North Korea Travel Control Act will be an important way for Congress to refine the administration's recently-announced policy of banning travel to North Korea. I am looking forward to sending this along to the full committee with the fixes made by Ranking Member Sherman's substitute amendment so we can get this important policy right.

Finally, H.R. 3320 responds to Taiwan's disinvitation from the World Health Assembly this year. U.S. efforts led Taiwan's inclusion over the last several years. And Taiwan punches above its weight in the fight against global disease. Unfortunately, China has taken a short-sighted policy to expel Taiwan from this forum, and restricts its overall international space.

This legislation will update U.S. law on Taiwan's participation in the WHO to improve our strategy to promote Taiwan's place in the world health.

I now recognize our ranking member, Mr. Sherman, for any remarks he may have.

Mr. SHERMAN. Thank you, Mr. Chairman. I am pleased that we have in front of us four excellent bills and that they are bipartisan, as the work of our committee usually is. I support all four bills, namely the ones regarding Hong Kong, China, North Korea, and Taiwan. I am a co-sponsor of all four.

The first bill, H. Res. 422, urges autonomy for Hong Kong that is consistent with the one country, two systems policy. It is critical that we send a strong message to China that we value our relationship with Hong Kong, and that our relations with the People's Republic will suffer if the PRC seeks to interfere with the democratic processes in Hong Kong.

The second bill, H. Res. 445, honors the life and legacy of Liu Xiaobo for his commitment to human rights and political freedoms in China. Liu received the Nobel Peace prize in 2010. He died, unfortunately, earlier this month while serving an 11-year prison sentence, and died in part due to inadequate medical care.

My amendment to this bill seeks protection for Mrs. Liu Xia, the widow of Mr. Liu. This amendment urges the United States Gov-

ernment to continuously advocate for Liu Xia's release when meeting with Chinese authorities. It arises from suggestions from our colleague, Congressman Levin.

The third bill is H.R. 2732, the North Korea Travel Control Act, which requires travel restrictions on travel to North Korea. This bill is authored by Representative Schiff and Joe Wilson, and includes provisions that will prevent tourist travel while allowing limited legitimate travel to North Korea.

I, as you noted in your opening statement, Mr. Chairman, have an amendment in the nature of a substitute to this bill that I believe reflects the consensus of the leadership of both this subcommittee and our full committee.

The State Department has also announced that it will have a policy to heavily restrict travel to North Korea. The State Department is correct to restrict travel to North Korea and, in effect, eliminate tourism to North Korea. However, we should make it—make sure that aid workers, journalists, NGOs, and experts are able to travel to North Korea when they can shed, especially if they can shed light on conditions there. We should allow travel when circumstances allow.

It is doubtful that we can enact this legislation in time for so that it goes into effect before the State Department's restrictions go into effect. So I hope this bill will serve as a strong statement to the State Department that they need to make sure in their action, and it will be their action that will govern at least for awhile, ensure that the humanitarian relief workers, journalists, and some other limited categories of travelers, to include people traveling for family reunions, may travel to North Korea when appropriate.

Finally, the fourth bill, H.R. 3320, asks the Secretary of State to develop a strategy to regain observer status for Taiwan in the World Health Organizations. This is important for world health. You can't exclude a country like Taiwan for political reasons if you are concerned with fighting disease that affects people all over the world. Our chairman has also indicated why this bill is important.

So I would hope that we would ultimately move to adopt my two amendments and then to pass en bloc all four of these bills with the support of this subcommittee to the full committee.

And I would yield back.

Mr. YOHO. I thank the ranking member for his comments. We will next go to Mr. Steve Chabot from Ohio.

Mr. CHABOT. Thank you very much, Mr. Chairman.

The measures being considered today are both timely and important. First of all I would like to speak on H. Res. 422, urging China to adhere to the one country, two systems policy with respect to Hong Kong.

The United States-Hong Kong relationship runs deep. Unfortunately, it has become abundantly clear in recent years that China is taking systematic steps to limit and restrict the autonomy of Hong Kong and its people. Less than 2 weeks ago four legislators were disqualified from serving on Hong Kong's legislative council, or LegCo. All of these disqualified members represent new political parties that support greater autonomy for Hong Kong and self-determination of the city's future relationship with China.

To add insult to injury, they are expected to pay hundreds of thousands of dollars in fees for the government's legal costs. This development to me reeks of China's central government attempting to purge the LegCo of its pro-democracy members.

Now, none of this is really surprising. However, it emphasizes the importance of our support for the original agreement that was struck between the U.K. and China as it pertains to Hong Kong. That is exactly why I stand with my colleagues who worked on H. Res. 422 as we together we want to ensure that China adheres to the one country, two systems policy and respects the rights of our brave friends in Hong Kong.

Lastly, I would like to voice my support for H.R. 3320 I am also a sponsor of. This bill requires that the State Department develop a strategy for Taiwan to regain its inclusion in the World Health Organization. Taiwan is an important contributor to global health and has provided great research and development to help combat some of the world's worse diseases. I believe it would behoove our partners around the world to give Taiwan a seat at the table at the very least.

I will add that almost 20 years ago I introduced the first WHO Taiwan resolution, H. J. Res. 126, along with my colleagues and Representative Sherrod Brown. Not sure whatever happened to him. He is over in the Senate now.

I have long supported Taiwan's participation at the WHO, and I am proud to be showing that continued support today.

I would also mention that relative to Taiwan, way back in the day, my friend and colleague, Mr. Rohrabacher, and I were the two Republicans who were co-founders of the Congressional Taiwan Caucus along with two Democrats, one being that, that other guy from Ohio, Sherrod Brown, that I just mentioned, and Bob Wexler, Robert Wexler from, from Florida. Florida started that and here at least the two of us still are.

Mr. ROHRABACHER. My, we are getting old.

Mr. CHABOT. For those who could not hear it, Mr. Rohrabacher commented that he and I are both getting old. And he is right.

Okay, yield back.

Mr. YOHO. I thank the gentleman. I appreciate your comments.

Mr. Perry, do you have any comments?

Then we will next go and recognize Mr. Joe Wilson from the great State of South Carolina.

Mr. WILSON. Thank you, Chairman Ted Yoho for your leadership and for the opportunity to speak before the committee today on H.R. 2732, the North Korea Travel Control Act.

When Congressman Adam Schiff and I introduced this bipartisan legislation in May, Otto Warmbier was still being held illegally by the tyrannical regime in North Korea. In the weeks following, a tragedy unfolded. Otto, a UVA student, returned to the United States but in a coma from which he never recovered.

Sadly, Otto's story, while tragic, is not unique. Otto was one of 17 Americans detained by North Korea in the last 10 years. Three are still being held.

I have traveled to North Korea on a congressional delegation in 2003, led by the former Congressman Curt Weldon, which had been invited to the city of Pyongyang after Baghdad had been liberated,

getting the attention of the dictator. While there I saw firsthand how every dollar in North Korea, including the revenue from tourism, goes toward subjugation of its citizens and toward the very weapons development program it uses to threaten American families.

Additionally, the regime also has no reservations about illegally detained Americans as bargaining chips in an attempt to score credibility on the world stage. However, despite the risks and despite knowing how the regime uses tourist revenue, Western tourism to the regime is increasing, even knowing they could be incarcerated.

It is time that we enact meaningful restrictions on tourist travel to totalitarian North Korea. I urge the passage of this legislation. I yield back.

Mr. YOHO. Thank you, Mr. Wilson.

The Chair will now recognize Mr. Connolly from Virginia.

Mr. CONNOLLY. Thank you, Mr. Chairman. And thanks to the ranking member, Mr. Sherman, for bringing these bills to the subcommittee for its consideration today.

These measures reinforce longstanding U.S. foreign policy with respect to Taiwan and Hong Kong; protect U.S. citizens from the risks of travel to North Korea; and honor a giant of the Chinese human rights movement, who will not be forgotten, Liu Xiaobo.

I would like to talk in particular about two of the four measures. I support all four.

H.R. 3320, to direct the Secretary of State to develop a strategy to regain observer status for Taiwan in the World Health Organization.

As co-chair of the Congressional Taiwan Caucus I particularly want to thank you, Mr. Chairman, for introducing H.R. 3320 and for inviting me to be an original co-sponsor of this bill, which recognizes Taiwan's longstanding participation in the World Health Organization and works to improve U.S. strategy for promoting Taiwan's observer status going forward.

Public health should not be a political football. Taiwan's meaningful participation in the World Health Assembly is in the best interests not only of the people of Taiwan but of the entire international community. Taiwan has been a critical partner in numerous global health issues, including the Ebola crisis, and the United States should continue its support of Taiwan's engagement with the World Health Organization and other international organizations to address global health and disease prevention needs.

The spread of diseases, especially our concern about endemic viruses that could cross boundaries in a second, does not respect political delineations. Taiwan is no different. We need Taiwan's help and participation in the full international health community.

The second bill I wanted to address, Mr. Chairman, is H.R. 2732. I also am co-chair of the Korea Caucus and also glad to be an original co-sponsor of H.R. 2732, the North Korea Travel Control Act. The North Korean regime's fatal exploitation of a Virginia student, college student Otto Warmbier, demonstrates the extreme risks facing any American who visits that rogue state.

During the past 2 years, Kim Jong Un's regime has arrested three other Americans, including another Virginian, Kim Dong

Chul, who remain in detention today. This bill protects U.S. citizens from the risks of travel to North Korea by restricting travel that would pose an imminent danger to the public health or the physical safety of United States travelers. The legislation provides important exceptions for several travel purposes, including professional reporters, compelling humanitarian considerations, official U.S. Government travel, official intergovernmental organizational business, family reunifications, or other licenses issued by the United States Treasury Department.

I urge adoption of all four measures before us. I thank the chair and ranking member for their consideration and support.

Mr. YOHO. Thank you, Mr. Connolly, for the comments.

Hearing no further requests for recognition, the question occurs on approving the items considered en bloc.

All those in favor, say aye.

All those opposed, no.

Mr. SHERMAN. Mr. Chairman, a clarification. We are not only—we are adopting my two amendments and.

Mr. YOHO. Thank you for that clarification.

Mr. SHERMAN. Thank you.

Mr. YOHO. The question occurs on approving all items considered en bloc, including all amendments.

And, again, all those in favor, say aye.

All those opposed, no.

In the opinion of the Chair, the ayes have it, and the items considered en bloc are agreed to.

Without objection, the measures considered en bloc are ordered favorably reported to the full committee, as amended, and the staff is directed to make any technical conforming changes.

That concludes the markup. The subcommittee stands adjourned.

[Whereupon, at 2:54 p.m., the subcommittee was adjourned.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE RECORD

SUBCOMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Asia and the Pacific
Ted Yoho (R-FL), Chairman

July 27, 2017

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN meeting of the Committee on Foreign Affairs, to be held by the Subcommittee on Asia and the Pacific in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Thursday, July 27, 2017

TIME: 2:15 p.m.

MARKUP OF: H. Res. 422, Urging adherence to the "one country, two systems" policy as prescribed in the Joint Declaration between the Government of the United Kingdom of Great Britain and the Government of the People's Republic of China on the Question of the Hong Kong;

H. Res. 445, Honoring the life and legacy of Liu Xiaobo for his steadfast commitment to the protection of human rights, political freedoms, free markets, democratic elections, government accountability, and peaceful change in the People's Republic of China;

H.R. 2732, North Korea Travel Control Act; and

H.R. 3320, To direct the Secretary of State to develop a strategy to regain observer status for Taiwan in the World Health Organization, and for other purposes.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF SUBCOMMITTEE MARKUP

MINUTES OF SUBCOMMITTEE ON Asia and the Pacific MARKUP

Day Thursday Date 07/27/2017 Room RHOB 2172

Starting Time 2:15 pm Ending Time 2:54 pm

Recesses (to) (to) (to) (to) (to) (to)

Presiding Member(s)

Rep. Ted Yoho

Check all of the following that apply:

Open Session

Electronically Recorded (taped)

Executive (closed) Session

Stenographic Record

Televised

BILLS FOR MARKUP: (Include bill number(s) and title(s) of legislation.)

H. Res. 422, H. Res. 445, H.R. 2732, North Korea Travel Control Act, and H.R. 3320, To Direct the Secretary of State to Develop a Strategy to Regain Observer Status for Taiwan in the World Health Organization, and for Other Purposes

COMMITTEE MEMBERS PRESENT:

*Rep. Ted Yoho, Rep. Dana Rohrabacher, Rep. Steve Chabot, Rep. Scott Perry
Rep. Brad Sherman, Rep. Ami Bera, Rep. Gerald Connolly, Rep. Tulsi Gabbard*

NON-COMMITTEE MEMBERS PRESENT:

Rep. Joe Wilson

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

N/A

ACTIONS TAKEN DURING THE MARKUP: (Attach copies of legislation and amendments.)

All measures passed en bloc with unanimous consent.

RECORDED VOTES TAKEN (FOR MARKUP): (Attach final vote tally sheet listing each member.)

<u>Subject</u>	<u>Yeas</u>	<u>Nays</u>	<u>Present</u>	<u>Not Voting</u>
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TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED _____

John J. Yang
Subcommittee Staff Director

7/27/17 Subcommittee on Asia and the Pacific Markup Summary

By unanimous consent, the Chair called up the following measures and amendments, previously provided to Members, to be considered *en bloc*:

1. H. Res. 422 (Engel), Urging adherence to the "one country, two systems" policy as prescribed in the Joint Declaration between the Government of the United Kingdom of Great Britain and the Government of the People's Republic of China on the Question of the Hong Kong.
2. H. Res. 445 (Meadows), Honoring the life and legacy of Liu Xiaobo for his steadfast commitment to the protection of human rights, political freedoms, free markets, democratic elections, government accountability, and peaceful change in the People's Republic of China;
 - a. Sherman amendment 20 to H. Res. 445.
3. H.R. 2732 (Schiff), North Korea Travel Control Act;
 - a. Sherman amendment 21, in the nature of a substitute to H.R. 2732.
4. H.R. 3320 (Yoho), To direct the Secretary of State to develop a strategy to regain observer status for Taiwan in the World Health Organization, and for other purposes.

The measures considered *en bloc* were agreed to by voice vote.

By unanimous consent, the measures as amended were ordered favorably reported to the Full Committee.

The Subcommittee adjourned.