

Calendar No. 701

115TH CONGRESS
2D SESSION

H. R. 1872

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2018

Received; read twice and referred to the Committee on Foreign Relations

NOVEMBER 29, 2018

Reported by Mr. CORKER, without amendment

AN ACT

To promote access for United States diplomats and other officials, journalists, and other citizens to Tibetan areas of the People's Republic of China, 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 “Reciprocal Access to
5 Tibet Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Government of the People’s Republic of
2 China does not grant United States diplomats and
3 other officials, journalists, and other citizens access
4 to China on a basis that is reciprocal to the access
5 that the Government of the United States grants
6 Chinese diplomats and other officials, journalists,
7 and citizens.

8 (2) The Government of China imposes greater
9 restrictions on travel to Tibetan areas than to other
10 areas of China.

11 (3) Officials of China have stated that Tibet is
12 open to foreign visitors.

13 (4) The Government of China is promoting
14 tourism in Tibetan areas, and at the Sixth Tibet
15 Work Forum in August 2015, Premier Li Keqiang
16 called for Tibet to build “major world tourism des-
17 tinations”.

18 (5) The Government of China requires for-
19 eigners to obtain permission from the Tibet Foreign
20 and Overseas Affairs Office or from the Tibet Tour-
21 ism Bureau to enter the Tibet Autonomous Region,
22 a restriction that is not imposed on travel to any
23 other provincial-level jurisdiction in China.

24 (6) The Department of State reports that—

1 (A) officials of the Government of the
2 United States submitted 39 requests for diplo-
3 matic access to the Tibet Autonomous Region
4 between May 2011 and July 2015, but only
5 four were granted; and

6 (B) when such requests are granted, diplo-
7 matic personnel are closely supervised and given
8 few opportunities to meet local residents not ap-
9 proved by authorities.

10 (7) The Government of China delayed United
11 States consular access for more than 48 hours after
12 an October 28, 2013, bus crash in the Tibet Autono-
13 mous Region, in which three citizens of the United
14 States died and more than a dozen others, all from
15 Walnut, California, were injured, undermining the
16 ability of the Government of the United States to
17 provide consular services to the victims and their
18 families, and failing to meet China's obligations
19 under the Convention on Consular Relations, done
20 at Vienna April 24, 1963 (21 UST 77).

21 (8) Following a 2015 earthquake that trapped
22 dozens of citizens of the United States in the Tibet
23 Autonomous Region, the United States Consulate
24 General in Chengdu faced significant challenges in

1 providing emergency consular assistance due to a
2 lack of consular access.

3 (9) The Country Reports on Human Rights
4 Practices for 2015 of the Department of State stat-
5 ed “With the exception of a few highly controlled
6 trips, the Chinese government also denied multiple
7 requests by foreign diplomats for permission to visit
8 the TAR.”.

9 (10) Tibetan-Americans, attempting to visit
10 their homeland, report having to undergo a discrimi-
11 natory visa application process, different from what
12 is typically required, at the Chinese embassy and
13 consulates in the United States, and often find their
14 requests to travel denied.

15 (11) The Country Reports on Human Rights
16 Practices for 2016 of the Department of State stat-
17 ed “The few visits to the TAR by diplomats and
18 journalists that were allowed were tightly controlled
19 by local authorities.”.

20 (12) A September 2016 article in the Wash-
21 ington Post reported that “The Tibet Autonomous
22 Region . . . is harder to visit as a journalist than
23 North Korea.”.

24 (13) The Government of China has failed to re-
25 spond positively to requests from the Government of

1 the United States to open a consulate in Lhasa,
2 Tibet Autonomous Region.

3 (14) The Foreign Correspondents Club of
4 China reports that—

5 (A) 2008 rules prevent foreign reporters
6 from visiting the Tibet Autonomous Region
7 without prior permission from the Government
8 of such Region;

9 (B) such permission has only rarely been
10 granted; and

11 (C) although the 2008 rules allow journal-
12 ists to travel freely in other parts of China, Ti-
13 betan areas outside such Region remain “effec-
14 tively off-limits to foreign reporters”.

15 (15) The Department of State reports that in
16 addition to having to obtain permission to enter the
17 Tibet Autonomous Region, foreign tourists—

18 (A) must be accompanied at all times by a
19 government-designated tour guide;

20 (B) are rarely granted permission to enter
21 the region by road;

22 (C) are largely barred from visiting around
23 the March anniversary of a 1959 Tibetan upris-
24 ing; and

1 (D) are banned from visiting the area
2 where Larung Gar, the world's largest center
3 for the study of Tibetan Buddhism, and the site
4 of a large-scale campaign to expel students and
5 demolish living quarters, is located.

6 (16) Foreign visitors also face restrictions in
7 their ability to travel freely in Tibetan areas outside
8 the Tibet Autonomous Region.

9 (17) The Government of the United States gen-
10 erally allows journalists and other citizens of China
11 to travel freely within the United States. The Gov-
12 ernment of the United States requires diplomats
13 from China to notify the Department of State of
14 their travel plans, and in certain situations, the Gov-
15 ernment of the United States requires such dip-
16 lomats to obtain approval from the Department of
17 State before travel. However, where approval is re-
18 quired, it is almost always granted expeditiously.

19 (18) The United States regularly grants visas
20 to Chinese diplomats and other officials, scholars,
21 and others who travel to the United States to dis-
22 cuss, promote, and display the perspective of the
23 Government of China on the situation in Tibetan
24 areas, even as the Government of China restricts the

1 ability of citizens of the United States to travel to
2 Tibetan areas to gain their own perspective.

3 (19) Chinese diplomats based in the United
4 States generally avail themselves of the freedom to
5 travel to United States cities and lobby city councils,
6 mayors, and governors to refrain from passing reso-
7 lutions, issuing proclamations, or making statements
8 of concern on Tibet.

9 (20) The Government of China characterizes
10 statements made by officials of the United States
11 about the situation in Tibetan areas as inappro-
12 priate interference in the internal affairs of China.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
16 **TEES.**—The term “appropriate congressional com-
17 mittees” means—

18 (A) the Committee on Foreign Relations
19 and the Committee on the Judiciary of the Sen-
20 ate; and

21 (B) the Committee on Foreign Affairs and
22 the Committee on the Judiciary of the House of
23 Representatives.

24 (2) **TIBETAN AREAS.**—The term “Tibetan
25 areas” includes—

1 (A) the Tibet Autonomous Region; and

2 (B) the areas that the Chinese Government
3 designates as Tibetan Autonomous, as follows:

4 (i) Kanlho (Gannan) Tibetan Autono-
5 mous Prefecture, and Pari (Tianzhu) Ti-
6 betan Autonomous County located in
7 Gansu Province.

8 (ii) Golog (Guoluo) Tibetan Autono-
9 mous Prefecture, Malho (Huangnan) Ti-
10 betan Autonomous Prefecture, Tsojang
11 (Haibei) Tibetan Autonomous Prefecture,
12 Tsolho (Hainan) Tibetan Autonomous Pre-
13 fecture, Tsonub (Haixi) Mongolian and Ti-
14 betan Autonomous Prefecture, and Yulshul
15 (Yushu) Tibetan Autonomous Prefecture,
16 located in Qinghai Province.

17 (iii) Garze (Ganzi) Tibetan Autono-
18 mous Prefecture, Ngawa (Aba) Tibetan
19 and Qiang Autonomous Prefecture, and
20 Muli (Mili) Tibetan Autonomous County,
21 located in Sichuan Province.

22 (iv) Dechen (Diqing) Tibetan Autono-
23 mous Prefecture, located in Yunnan Prov-
24 ince.

1 **SEC. 4. ANNUAL REPORT ON ACCESS TO TIBETAN AREAS.**

2 (a) IN GENERAL.—Not later than 90 days after the
3 date of the enactment of this Act, and annually thereafter
4 for the following five years, the Secretary of State shall
5 submit to the appropriate congressional committees, and
6 make available to the public on the website of the Depart-
7 ment of State, a report that includes an assessment of
8 the level of access Chinese authorities granted diplomats
9 and other officials, journalists, and tourists from the
10 United States to Tibetan areas, including—

11 (1) a comparison with the level of access grant-
12 ed to other areas of China;

13 (2) a comparison between the levels of access
14 granted to Tibetan and non-Tibetan areas in rel-
15 evant provinces;

16 (3) a comparison of the level of access in the
17 reporting year and the previous reporting year; and

18 (4) a description of the required permits and
19 other measures that impede the freedom to travel in
20 Tibetan areas.

21 (b) CONSOLIDATION.—After the issuance of the first
22 report required by subsection (a), the Secretary of State
23 is authorized to incorporate subsequent reports required
24 by subsection (a) into other publicly available, annual re-
25 ports produced by the Department of State, provided they
26 are submitted to the appropriate congressional committees

1 in a manner specifying that they are being submitted in
2 fulfillment of the requirements of this Act.

3 **SEC. 5. INADMISSIBILITY OF CERTAIN ALIENS.**

4 (a) INELIGIBILITY FOR VISAS.—No individual whom
5 the Secretary of State has determined to be substantially
6 involved in the formulation or execution of policies related
7 to access for foreigners to Tibetan areas may be eligible
8 to receive a visa to enter the United States or be admitted
9 to the United States if the Secretary of State determines
10 that—

11 (1)(A) the requirement for specific official per-
12 mission for foreigners to enter the Tibetan Autono-
13 mous Region remains in effect; or

14 (B) such requirement has been replaced by
15 a regulation that has a similar effect and re-
16 quires foreign travelers to gain a level of per-
17 mission to enter the Tibet Autonomous Region
18 that is not required for travel to other provinces
19 in China; and

20 (2) restrictions on travel by diplomats and
21 other officials, journalists, and citizens of the United
22 States to areas designated as “Tibetan Autono-
23 mous” in the provinces of Sichuan, Qinghai,
24 Yunnan, and Gansu of China are greater than any

1 restrictions on travel by such officials and citizens to
2 areas in such provinces that are not so designated.

3 (b) CURRENT VISAS REVOKED.—The Secretary of
4 State shall revoke, in accordance with section 221(i) of
5 the Immigration and Nationality Act (8 U.S.C. 1201(i)),
6 the visa or other documentation to enter or be present in
7 the United States issued for an alien who would be ineli-
8 gible to receive such a visa or documentation under sub-
9 section (a).

10 (c) REPORT TO CONGRESS.—Not later than one year
11 after the date of the enactment of this Act, and annually
12 thereafter for the following five years, the Secretary of
13 State shall provide to the appropriate congressional com-
14 mittees a report identifying the individuals who have had
15 visas denied or revoked pursuant to this section during
16 the preceding year and, to the extent practicable, a list
17 of Chinese officials who were substantially involved in the
18 formulation or execution of policies to restrict access of
19 United States diplomats and other officials, journalists,
20 and citizens of the United States to Tibetan areas. The
21 report required by this subsection shall be submitted in
22 unclassified form, but may include a classified annex.

23 (d) WAIVER FOR NATIONAL INTEREST.—

24 (1) IN GENERAL.—The Secretary of State may
25 waive the application of subsection (a) or (b) in the

1 case of an alien if the Secretary determines that
2 such a waiver—

3 (A) is necessary to permit the United
4 States to comply with the Agreement Regarding
5 the Headquarters of the United Nations, signed
6 at Lake Success June 26, 1947, and entered
7 into force November 21, 1947 (TIAS 1676), or
8 any other applicable international obligation of
9 the United States; or

10 (B) is in the national interest of the
11 United States.

12 (2) NOTIFICATION.—Upon granting a waiver
13 under paragraph (1), the Secretary of State shall
14 submit to the appropriate congressional committees
15 a document detailing the evidence and justification
16 for the necessity of such waiver, including, if such
17 waiver is granted pursuant to paragraph (1)(B),
18 how such waiver relates to the national interest of
19 the United States.

20 **SEC. 6. SENSE OF CONGRESS.**

21 It is the sense of Congress that the Secretary of
22 State, when granting diplomats and other officials from
23 China access to parts of the United States, including con-
24 sular access, should take into account the extent to which
25 the Government of China grants diplomats and other offi-

1 cials from the United States access to parts of China, in-
2 cluding the level of access afforded to such diplomats and
3 other officials to Tibetan areas.

Calendar No. 701

115TH CONGRESS
2^D SESSION

H. R. 1872

AN ACT

To promote access for United States diplomats and other officials, journalists, and other citizens to Tibetan areas of the People's Republic of China, and for other purposes.

NOVEMBER 29, 2018

Reported without amendment