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H. R. 4851

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2014

Mr. MCGOVERN (for himself, Mr. PITTS, Mr. WOLF, and Mr. ELLISON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote access for United States 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 2014”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

7 (2) The Chinese Government imposes greater
8 restrictions on travel to Tibetan areas than to other
9 areas of the People’s Republic of China.

10 (3) Officials of the People’s Republic of China
11 have stated that Tibet is open to foreign visitors.

12 (4) The Chinese Government is promoting tour-
13 ism in Tibetan areas, and has announced plans to
14 make tourism a “pillar industry” for the region.

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

22 (6) The Department of State reports that the
23 Tibet Foreign and Overseas Affairs Office denied
24 more than 10 requests for United States diplomatic
25 access to the Tibet Autonomous Region between

1 May 2011 and December 2012, and that when such
2 requests are granted, diplomatic personnel are close-
3 ly supervised and given few opportunities to meet
4 local residents not approved by authorities.

5 (7) The Chinese Government restricted United
6 States consular access after an October 28, 2013,
7 bus crash in the Tibet Autonomous Region, in which
8 at least two Americans died and more than a dozen
9 others, all from Walnut, California, were injured.

10 (8) The Chinese Government has failed to re-
11 spond positively to the United States Government's
12 request to open a consulate in Lhasa, Tibet Autono-
13 mous Region.

14 (9) The Department of State reports that the
15 Chinese government regularly denies requests by
16 American diplomats, foreign journalists, and observ-
17 ers to visit Tibetan areas, and that those permitted
18 to visit are subject to "highly structured, govern-
19 ment-organized tours" that limit independent, objec-
20 tive reporting.

21 (10) The Department of State reports that for-
22 eign diplomats who were permitted to travel in Ti-
23 betan areas outside the Tibet Autonomous Region
24 were "repeatedly approached by local police and

1 sometimes forced to leave without reasonable expla-
2 nation”.

3 (11) The Department of State reports that per-
4 mission is not always granted to foreign tourists,
5 and that when granted, Lhasa, Rikaze (Shigatse),
6 and Shannan (Lhoka) are usually the only places in
7 the Tibet Autonomous Region open to foreigners.

8 (12) Foreign visitors also face restrictions in
9 their ability to travel freely in Tibetan areas outside
10 the Tibet Autonomous Region.

11 (13) Foreign visitors to Tibetan areas are ex-
12 plicitly limited to tours that are tightly managed by
13 authorities.

14 (14) Restrictions on journalists’ access to Ti-
15 betan areas conflict with government regulations,
16 adopted in 2008, lifting requirements that foreign
17 journalists get permission of local authorities to
18 travel in the country and interview Chinese citizens.

19 (15) The United States Government generally
20 allows journalists and other citizens of the People’s
21 Republic of China to travel freely within the United
22 States. The United States Government requires Chi-
23 nese diplomats to notify the Department of State of
24 their travel plans, and in certain situations, the
25 United States Government requires Chinese dip-

1 lomats to obtain approval from the Department of
2 State before travel. However, where approval is re-
3 quired, it is almost always granted expeditiously.

4 (16) The United States regularly grants visas
5 to Chinese officials, scholars, and others who travel
6 to the United States to discuss, promote and display
7 the Chinese Government’s perspective on the situa-
8 tion in Tibetan areas, even as the Chinese Govern-
9 ment restricts the ability of United States citizens to
10 travel to Tibetan areas to gain their own perspective.

11 (17) Chinese diplomats based in the United
12 States generally avail themselves of the freedom to
13 travel to United States cities and lobby city councils,
14 mayors, and governors to refrain from passing reso-
15 lutions, issuing proclamations, or making statements
16 of concern on Tibet.

17 (18) The Chinese Government characterizes
18 statements made by United States officials about the
19 situation in Tibetan areas as inappropriate inter-
20 ference in the internal affairs of China.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) **TIBETAN AREAS.**—The term “Tibetan
24 areas” includes—

1 (A) the Tibet Autonomous Region (TAR);
2 and

3 (B) the prefectures and counties of the
4 provinces of Sichuan, Qinghai, Yunnan, and
5 Gansu of the People's Republic of China that
6 the Chinese Government designates as "Tibetan
7 Autonomous" areas.

8 (2) SENIOR LEADERSHIP POSITIONS.—The
9 term "senior leadership positions" means—

10 (A) at the provincial level, the Governor,
11 the Vice Governor, the Party Secretary, the
12 Party Disciplinary Committee Secretary, the
13 Party Politics and Law Committee Secretary,
14 the Organization Department Director, the
15 Chairman of the Standing Committee of the
16 People's Congress for the Autonomous Region
17 or Province, the Chairman of the Autonomous
18 Region or Provincial Committee of the People's
19 Political Consultative Conference, the head of
20 the Tibetan Autonomous Region Communist
21 Party Committee United Front Work Depart-
22 ment, the head of the Tibetan Autonomous Re-
23 gion Communist Party Committee Political and
24 Legal Commission, the heads of the Tibetan
25 Autonomous Region Public Security and State

1 Security Bureaus, the Commander of the Peo-
2 ple's Armed Police, the head of the Foreign and
3 Overseas Affairs Office, the Director of the
4 Tibet Tourism Bureau in the Tibet Autono-
5 mous Region, and the Party Secretary and
6 Mayor of Lhasa and the relevant provincial cap-
7 itals;

8 (B) at the prefectural and county levels,
9 the Party Secretary, the Deputy Party Secre-
10 taries, the prefecture and county heads and
11 deputy heads, the Secretary General, and the
12 Deputy Secretary General;

13 (C) at the national level, the Director of
14 the Communist Party Central Committee
15 United Front Work Department, the Director
16 of the State Ethnic Affairs Commission, the Di-
17 rector of the State Administration for Religious
18 Affairs, the Director of the State Council Infor-
19 mation Office, and the Director of the Foreign
20 Affairs Office of the State Council Information
21 Office;

22 (D) at the regional level, the Regional Peo-
23 ple's Armed Police and Military Commanders
24 with jurisdiction in Tibetan areas; and

1 (E) any other individual determined by the
2 Secretary of State to be personally and substan-
3 tially involved in the formulation or execution of
4 policies in Tibetan areas.

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

8 (A) the Committee on Foreign Affairs of
9 the House of Representatives; and

10 (B) the Committee on Foreign Relations of
11 the United States Senate.

12 **SEC. 4. REPORT TO CONGRESS.**

13 (a) IN GENERAL.—Not later than 90 days after the
14 date of the enactment of this Act and every 12 months
15 thereafter, the Secretary of State shall submit to the ap-
16 propriate congressional committees a report that pro-
17 vides—

18 (1) an assessment of the level of access Chinese
19 authorities granted United States diplomats, jour-
20 nalists, and tourists to Tibetan areas in the People’s
21 Republic of China, including a comparison with the
22 level of access granted to other areas of the People’s
23 Republic of China, a comparison between the levels
24 of access granted to Tibetan and non-Tibetan areas
25 in relevant provinces, and a description of the re-

1 quired permits and other measures that impede the
2 freedom to travel in Tibetan areas;

3 (2) a list of the persons in senior leadership po-
4 sitions in the Tibet Autonomous Region;

5 (3) a list of the persons in senior leadership po-
6 sitions in the provinces of Sichuan, Qinghai,
7 Yunnan, and Gansu Provinces of the People's Re-
8 public of China;

9 (4) a list of the persons in senior leadership po-
10 sitions in Kardze (Ganzi) Tibetan Autonomous Pre-
11 fecture, Ngawa (Aba) Tibetan and Qiang Tibetan
12 Autonomous Prefecture, Muli (Mili) Autonomous
13 County of Sichuan Province, Tsonub (Haixi) Mongol
14 and Tibetan, Tsojang (Haibei) Tibetan, Malho
15 (Huangnan) Tibetan, Yulshul (Yushu) Tibetan, and
16 Golog (Guoluo) Tibetan Autonomous Prefectures of
17 Qinghai Province, Dechen (Diqing) Tibetan Autono-
18 mous Prefecture of Yunnan Province, and the
19 Kanlho (Gannan) Tibetan Autonomous Prefecture
20 and Pari (Tianzhu) Tibetan Autonomous County of
21 Gansu Province;

22 (5) a list of the persons in senior leadership po-
23 sitions at the national level as defined in section
24 3(2)(C); and

1 (6) a list of the persons in senior leadership po-
2 sitions at the regional level as defined in section
3 3(2)(D).

4 (b) PUBLIC AVAILABILITY.—The report required
5 under subsection (a) shall be made available on the
6 website of the Department of State.

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

8 (a) INELIGIBILITY FOR VISAS.—An alien is ineligible
9 to receive a visa to enter the United States and ineligible
10 to be admitted to the United States if such alien is on
11 the list required by—

12 (1) subsection (a)(2) of section 4, and if the
13 Secretary of State determines that the requirements
14 for specific official permission for foreigners to trav-
15 el to the Tibet Autonomous Region remain in effect,
16 or that the current permission system has been re-
17 placed by a requirement that has the same effect of
18 requiring foreign travelers to gain a level of permis-
19 sion to enter the Tibet Autonomous Region that is
20 not required for travel to other province-level entities
21 in the People’s Republic of China;

22 (2) subsections (a)(3) and (a)(4) of section 4,
23 and if the Secretary of State determines that restric-
24 tions on travel by United States officials, journalists,
25 and citizens to areas designated as “Tibetan autono-

1 mous” in the provinces of Sichuan, Qinghai,
2 Yunnan, and Gansu of the People’s Republic of
3 China are greater than any restrictions on travel by
4 United States officials, journalists, and citizens to
5 areas in such provinces that are not so designated;
6 or

7 (3) subsections (a)(5) and (a)(6) of section 4,
8 and if the Secretary of State determines that the re-
9 quirement for a specific permission to enter Tibet
10 pertaining to travel by foreigners to the Tibet Au-
11 tonomous Region remain in effect, or that the re-
12 quirement has been replaced by a regulation that
13 has the same effect of requiring foreign travelers to
14 gain a level of permission to enter the Tibet Autono-
15 mous Region that is not required for travel to other
16 province-level entities in the People’s Republic of
17 China, and if the Secretary of State determines that
18 restrictions on travel by United States officials and
19 citizens to areas designated as “Tibetan Autono-
20 mous” in the provinces of Sichuan, Qinghai,
21 Yunnan, and Gansu of the People’s Republic of
22 China are greater than any restrictions on travel by
23 United States officials and citizens to areas in such
24 provinces that are not so designated.

1 (b) CURRENT VISAS REVOKED.—The Secretary of
2 State shall revoke, in accordance with section 221(i) of
3 the Immigration and Nationality Act (8 U.S.C. 1201(i)),
4 the visa or other documentation of any alien who would
5 be ineligible to receive such a visa or documentation under
6 subsection (a).

7 (c) WAIVER FOR NATIONAL INTERESTS.—

8 (1) IN GENERAL.—The Secretary of State may
9 waive the application of subsection (a) or (b) in the
10 case of an alien if the Secretary determines that
11 such a waiver—

12 (A) is necessary to permit the United
13 States to comply with the Agreement between
14 the United Nations and the United States of
15 America regarding the Headquarters of the
16 United Nations, signed June 26, 1947, and en-
17 tered into force November 21, 1947, or other
18 applicable international obligations of the
19 United States; or

20 (B) is in the national security interests of
21 the United States.

22 (2) NOTIFICATION.—Upon granting a waiver
23 under paragraph (1), the Secretary of State shall
24 submit to the appropriate congressional committees
25 a document detailing the evidence and justification

1 for the necessity of such waiver, including, if such
2 waiver is granted pursuant to subparagraph (B) of
3 such paragraph, how such waiver relates to the na-
4 tional security interests of the United States.

5 **SEC. 6. VISA POLICY.**

6 It is the sense of Congress that—

7 (1) reciprocity forms the basis of diplomatic law
8 and the practice of mutual exchanges between coun-
9 tries;

10 (2) a country should give equivalent consular
11 access to the nationals of another country in a recip-
12 rocal manner to the consular access granted by such
13 other country to its own citizens; and

14 (3) the Secretary of State, when granting dip-
15 lomats from the People's Republic of China access
16 to parts of the United States, should take into ac-
17 count the extent to which the Government of the
18 People's Republic of China grants United States dip-
19 lomats access to parts of the People's Republic of
20 China, including the level of access afforded to such
21 diplomats to Tibetan areas.

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