

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1872
OFFERED BY MR. GOODLATTE OF VIRGINIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Reciprocal Access to
3 Tibet Act of 2017”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

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

13 (2) The Government of China imposes greater
14 restrictions on travel to Tibetan areas than to other
15 areas of China.

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

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

6 (5) The Government of China requires for-
7 eigners to obtain permission from the Tibet Foreign
8 and Overseas Affairs Office or from the Tibet Tour-
9 ism Bureau to enter the Tibet Autonomous Region,
10 a restriction that is not imposed on travel to any
11 other provincial-level jurisdiction in China.

12 (6) The Department of State reports that—

13 (A) officials of the Government of the
14 United States submitted 39 requests for diplo-
15 matic access to the Tibet Autonomous Region
16 between May 2011 and July 2015, but only
17 four were granted; and

18 (B) when such requests are granted, diplo-
19 matic personnel are closely supervised and given
20 few opportunities to meet local residents not ap-
21 proved by authorities.

22 (7) The Government of China delayed United
23 States consular access for more than 48 hours after
24 an October 28, 2013, bus crash in the Tibet Autono-
25 mous Region, in which three citizens of the United

1 States died and more than a dozen others, all from
2 Walnut, California, were injured, undermining the
3 ability of the Government of the United States to
4 provide consular services to the victims and their
5 families, and failing to meet China's obligations
6 under the Convention on Consular Relations, done
7 at Vienna April 24, 1963 (21 UST 77).

8 (8) Following a 2015 earthquake that trapped
9 dozens of citizens of the United States in the Tibet
10 Autonomous Region, the United States Consulate
11 General in Chengdu faced significant challenges in
12 providing emergency consular assistance due to a
13 lack of consular access.

14 (9) The Country Reports on Human Rights
15 Practices for 2015 of the Department of State stat-
16 ed "With the exception of a few highly controlled
17 trips, the Chinese government also denied multiple
18 requests by foreign diplomats for permission to visit
19 the TAR."

20 (10) Tibetan-Americans, attempting to visit
21 their homeland, report having to undergo a discrimi-
22 natory visa application process, different from what
23 is typically required, at the Chinese embassy and
24 consulates in the United States, and often find their
25 requests to travel denied.

1 (11) The Country Reports on Human Rights
2 Practices for 2016 of the Department of State stat-
3 ed “The few visits to the TAR by diplomats and
4 journalists that were allowed were tightly controlled
5 by local authorities.”.

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

10 (13) The Government of China has failed to re-
11 spond positively to requests from the Government of
12 the United States to open a consulate in Lhasa,
13 Tibet Autonomous Region.

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

16 (A) 2008 rules prevent foreign reporters
17 from visiting the Tibet Autonomous Region
18 without prior permission from the Government
19 of such Region;

20 (B) such permission has only rarely been
21 granted; and

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

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

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

6 (B) are rarely granted permission to enter
7 the region by road;

8 (C) are largely barred from visiting around
9 the March anniversary of a 1959 Tibetan upris-
10 ing; and

11 (D) are banned from visiting the area
12 where Larung Gar, the world's largest center
13 for the study of Tibetan Buddhism, and the site
14 of a large-scale campaign to expel students and
15 demolish living quarters, is located.

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

19 (17) The Government of the United States gen-
20 erally allows journalists and other citizens of China
21 to travel freely within the United States. The Gov-
22 ernment of the United States requires diplomats
23 from China to notify the Department of State of
24 their travel plans, and in certain situations, the Gov-
25 ernment of the United States requires such 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 (18) The United States regularly grants visas
5 to Chinese diplomats and other officials, scholars,
6 and others who travel to the United States to dis-
7 cuss, promote, and display the perspective of the
8 Government of China on the situation in Tibetan
9 areas, even as the Government of China restricts the
10 ability of citizens of the United States to travel to
11 Tibetan areas to gain their own perspective.

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

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

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

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

4 (A) the Committee on Foreign Relations
5 and the Committee on the Judiciary of the Sen-
6 ate; and

7 (B) the Committee on Foreign Affairs and
8 the Committee on the Judiciary of the House of
9 Representatives.

10 (2) TIBETAN AREAS.—The term “Tibetan
11 areas” includes—

12 (A) the Tibet Autonomous Region; and

13 (B) the areas that the Chinese Government
14 designates as Tibetan Autonomous, as follows:

15 (i) Kanlho (Gannan) Tibetan Autono-
16 mous Prefecture, and Pari (Tianzhu) Ti-
17 betan Autonomous County located in
18 Gansu Province.

19 (ii) Golog (Guoluo) Tibetan Autono-
20 mous Prefecture, Malho (Huangnan) Ti-
21 betan Autonomous Prefecture, Tsojang
22 (Haibei) Tibetan Autonomous Prefecture,
23 Tsolho (Hainan) Tibetan Autonomous Pre-
24 fecture, Tsonub (Haixi) Mongolian and Ti-
25 betan Autonomous Prefecture, and Yulshul

1 (Yushu) Tibetan Autonomous Prefecture,
2 located in Qinghai Province.

3 (iii) Garze (Ganzi) Tibetan Autono-
4 mous Prefecture, Ngawa (Aba) Tibetan
5 and Qiang Autonomous Prefecture, and
6 Muli (Mili) Tibetan Autonomous County,
7 located in Sichuan Province.

8 (iv) Dechen (Diqing) Tibetan Autono-
9 mous Prefecture, located in Yunnan Prov-
10 ince.

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

12 (a) IN GENERAL.—Not later than 90 days after the
13 date of the enactment of this Act, and annually thereafter
14 for the following five years, the Secretary of State shall
15 submit to the appropriate congressional committees, and
16 make available to the public on the website of the Depart-
17 ment of State, a report that includes an assessment of
18 the level of access Chinese authorities granted diplomats
19 and other officials, journalists, and tourists from the
20 United States to Tibetan areas, including—

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

23 (2) a comparison between the levels of access
24 granted to Tibetan and non-Tibetan areas in rel-
25 evant provinces;

1 (3) a comparison of the level of access in the
2 reporting year and the previous reporting year; and

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

6 (b) CONSOLIDATION.—After the issuance of the first
7 report required by subsection (a), the Secretary of State
8 is authorized to incorporate subsequent reports required
9 by subsection (a) into other publicly available, annual re-
10 ports produced by the Department of State, provided they
11 are submitted to the appropriate congressional committees
12 in a manner specifying that they are being submitted in
13 fulfillment of the requirements of this Act.

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

15 (a) INELIGIBILITY FOR VISAS.—No individual whom
16 the Secretary of State has determined to be substantially
17 involved in the formulation or execution of policies related
18 to access for foreigners to Tibetan areas may be eligible
19 to receive a visa to enter the United States or be admitted
20 to the United States if the Secretary of State determines
21 that—

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

1 (B) such requirement has been replaced by
2 a regulation that has a similar effect and re-
3 quires foreign travelers to gain a level of per-
4 mission to enter the Tibet Autonomous Region
5 that is not required for travel to other provinces
6 in China; and

7 (2) restrictions on travel by diplomats and
8 other officials, journalists, and citizens of the United
9 States to areas designated as “Tibetan Autono-
10 mous” in the provinces of Sichuan, Qinghai,
11 Yunnan, and Gansu of China are greater than any
12 restrictions on travel by such officials and citizens to
13 areas in such provinces that are not so designated.

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

21 (c) REPORT TO CONGRESS.—Not later than one year
22 after the date of the enactment of this Act, and annually
23 thereafter for the following five years, the Secretary of
24 State shall provide to the appropriate congressional com-
25 mittees a report identifying the individuals who have had

1 visas denied or revoked pursuant to this section during
2 the preceding year and, to the extent practicable, a list
3 of Chinese officials who were substantially involved in the
4 formulation or execution of policies to restrict access of
5 United States diplomats and other officials, journalists,
6 and citizens of the United States to Tibetan areas. The
7 report required by this subsection shall be submitted in
8 unclassified form, but may include a classified annex.

9 (d) WAIVER FOR NATIONAL INTEREST.—

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

14 (A) is necessary to permit the United
15 States to comply with the Agreement Regarding
16 the Headquarters of the United Nations, signed
17 at Lake Success June 26, 1947, and entered
18 into force November 21, 1947 (TIAS 1676), or
19 any other applicable international obligation of
20 the United States; or

21 (B) is in the national interest of the
22 United States.

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

1 a document detailing the evidence and justification
2 for the necessity of such waiver, including, if such
3 waiver is granted pursuant to paragraph (1)(B),
4 how such waiver relates to the national interest of
5 the United States.

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

7 It is the sense of Congress that the Secretary of
8 State, when granting diplomats and other officials from
9 China access to parts of the United States, including con-
10 sular access, should take into account the extent to which
11 the Government of China grants diplomats and other offi-
12 cials from the United States access to parts of China, in-
13 cluding the level of access afforded to such diplomats and
14 other officials to Tibetan areas.

Amend the title to read as follows: “A bill to pro-
mote access for United States diplomats and other offi-
cials, journalists, and other citizens to Tibetan areas of
the People’s Republic of China, and for other purposes.”

