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4 MARKUP OF H.R. 1872, THE "RECIPROCAL
5 ACCESS TO TIBET ACT OF 2017"
6 Wednesday, July 25, 2018
7 House of Representatives,
8 Committee on the Judiciary,
9 Washington, D.C.

10 The committee met, pursuant to call, at 10:00 a.m., in
11 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte
12 [chairman of the committee] presiding.

13 Present: Representatives Goodlatte, Sensenbrenner,
14 Chabot, Jordan, Marino, Gowdy, Labrador, DeSantis, Gaetz,
15 Rothfus, Nadler, Lofgren, Lieu, Raskin, Jayapal, and
16 Schneider.

17 Staff Present: Shelley Husband, Staff Director; Branden
18 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian
19 and General Counsel; Alley Adcock, Clerk; David Shahoulian,
20 Minority Chief Counsel; David Greengrass, Minority Senior

21 Counsel; Danielle Brown, Minority Chief Legislative Counsel
22 and Parliamentarian; Rosalind Jackson, Minority Professional
23 Staff; Matthew Morgan, Minority Professional Staff; and John
24 Doty, Minority Professional Staff.

25 Chairman Goodlatte. Good morning. The Judiciary
26 Committee will come to order. Without objection, the chair
27 is authorized to declare a recess at any time. Pursuant to
28 notice, I now call up H.R. 1872 for purposes of markup and
29 move that the committee report the bill favorably to the
30 House. The clerk will report the bill.

31 Ms. Adcock. H.R. 1872; to promote access for United
32 States officials, journalists, and other citizens to Tibetan
33 areas of the People's Republic of China, and for other
34 purposes.

35 [The bill follows:]

36 ***** INSERT 1 *****

37 Chairman Goodlatte. Without objection, the bill will
38 be considered as read and open for amendment at any point,
39 and the amendment in the nature of a substitute which
40 members have before them will be considered as read,
41 considered as the original text for purposes of amendment,
42 and open for amendment at any point. I will begin by
43 recognizing myself for an opening statement.

44 H.R. 1872, the Reciprocal Access to Tibet Act of 2017,
45 addresses an issue of longstanding and increasing concern
46 regarding China's treatment of Tibetans living in the
47 Tibetan Autonomous Region and other Tibetan areas controlled
48 by China.

49 In 1950, the Chinese People's Liberation Army went into
50 Tibet in order to establish control over the region. In the
51 years since then, as noted by the U.S. Department of State,
52 the Chinese Government has imposed severe restrictions on
53 Tibetans' ability to exercise their human rights and
54 fundamental freedoms.

55 Such restrictions occur with regard to religious
56 practices; freedom to travel; freedom to practice cultural
57 and language preferences; and other aspects of life. In
58 addition, the Chinese Government routinely engages in human
59 rights abuses such as extrajudicial killings, torture, and
60 arbitrary arrests.

61 In fact, the Chinese Government's actions are so severe

62 that in recent years over 150 Tibetans have self-immolated
63 in a last-ditch effort to get the rest of the world to focus
64 on the problem.

65 In order to prevent documentation of the religious
66 freedom restrictions and other human rights abuses to the
67 outside world, the government of China has severely limited
68 access by foreign nationals to the Tibetan regions. Such
69 limitations prevent access to U.S. officials seeking
70 diplomatic and consular access, journalists, human rights
71 workers, and even tourists. When rare access is granted,
72 activities are closely monitored by the PRC, and information
73 disseminated is restricted.

74 Matteo Mecacci, the president of the International
75 Campaign for Tibet, has stated that "the Chinese leadership
76 is seeking to enforce complete isolation on Tibet," often
77 described as being worse than in North Korea, where at least
78 some foreign media are based. Independent international
79 observers are shut out of Tibet and allowed to visit only
80 under strictly controlled circumstances, while numerous
81 delegations of party officials face no obstacles in
82 traveling to Western democracies to spread their propaganda.

83 In fact, travel by Chinese nationals, including those
84 with direct and substantial involvement in the formulation
85 of policies to restrict access to Tibet, is routinely
86 allowed by governments all over the world, including the

87 United States.

88 During fiscal year 2017, for instance, nearly 1.5
89 million tourist visas were issued by the United States to
90 Chinese nationals, and those visas are valid for 10 years,
91 during which the Chinese nationals can visit the U.S.
92 multiple times. During that same period the United States
93 issued nearly 4,500 diplomatic visas to Chinese officials.

94 H.R. 1872 prohibits an individual who is substantially
95 involved in the formulation or execution of policies related
96 to access for foreigners to Tibetan areas from being granted
97 a U.S. visa if the Secretary determined that, 1) the
98 requirement for specific official permission for foreigners
99 to enter the Tibetan Autonomous Region remains in effect;
100 or, 2) such requirement has been replaced by a regulation
101 that has similar effect and requires foreign travelers to
102 gain a level of permission to enter the Tibet Autonomous
103 Region that is not required for travel to other provinces in
104 China; and, 3) restrictions on travel by officials,
105 journalists, and citizens of the United States to areas
106 designated as Tibetan-autonomous in the provinces of
107 Sichuan, Qinghai, Yunnan, and Gansu of China are greater
108 than any restrictions on travel by such officials and
109 citizens to areas in such provinces that are not so
110 designated. Any visa currently held by such individuals
111 will be revoked under the bill.

112 The bill then requires the State Department to report
113 annually to the House and Senate Judiciary Committees, as
114 well as the House Foreign Affairs Committee and the Senate
115 Foreign Relations Committee, on the number of actions taken
116 regarding visas, pursuant to the legislation.

117 According to the State Department, in recent years
118 there have been very small inroads made with regard to
119 access to the Tibetan areas, and while some have expressed
120 the concern that moving this bill could make the Chinese
121 Government roll back some of those inroads, moving this bill
122 is the right thing to do.

123 It is time that Congress take a stand with regard to
124 access by foreign nationals to the Tibetan regions. I want
125 to thank Congressman McGovern for his work on this issue,
126 and I urge my colleagues to support the bill.

127 It is now my pleasure to recognize the ranking member
128 of the committee, the gentleman from New York, Mr. Nadler,
129 for his opening statement.

130 [The prepared statement of Chairman Goodlatte follows:]

131 ***** COMMITTEE INSERT *****

132 Mr. Nadler. Thank you, Mr. Chairman. H.R. 1872, the
133 Reciprocal Access to Tibet Act of 2017, seeks to end
134 restrictions imposed by the Chinese Government that have
135 prevented American journalists, human rights monitors,
136 diplomats, and tourists from accessing Tibetan areas of the
137 People's Republic of China.

138 This bipartisan legislation accomplishes this goal by
139 denying U.S. visas to Chinese Government officials who have
140 created or implemented restrictions on travel by U.S.
141 citizens to Tibet and by requiring annual reporting to House
142 and Senate Committees on such restrictions.

143 Increased access for U.S. diplomats, journalists, and
144 tourists to Tibet will shed light on the gross human rights
145 violations perpetrated by China against the Tibetan people.
146 For Tibetans, restricted access to the region leaves them in
147 virtual isolation from the rest of the world, while also
148 precluding international witnesses to the Chinese
149 Government's continuous violations of the Tibetans' human
150 rights.

151 The State Department and many independent international
152 human rights organizations have raised concerns about
153 arbitrary arrests and imprisonment, torture and ill
154 treatment, heightened surveillance, and religious and
155 cultural restrictions in Tibet.

156 Preventing diplomats, journalists, and tourists from

157 traveling to Tibet makes it impossible to assess the true
158 scope of these abuses. H.R. 1872 is an important step in
159 pushing back against these restrictive policies.

160 Increased access of U.S. officials and diplomats to
161 Tibet will also help ensure the safety of U.S. citizens in
162 that region. For example, restricted access has made it
163 very difficult for American consular officials to provide
164 emergency assistance to Americans in Tibet.

165 After an October 2013 bus crash in Tibet left three
166 Americans dead and many others injured, U.S. consular
167 officers face a prolonged delay in obtaining permission to
168 travel to the region, which severely hindered their ability
169 to serve American citizens in distress.

170 They faced similar challenges in providing emergency
171 assistance following a 2015 earthquake that trapped dozens
172 of U.S. citizens in Tibet. This bill will help overcome
173 those obstacles.

174 Mr. Chairman, I want to thank you for bringing this
175 important bipartisan legislation before the committee today.
176 As you are aware, there is widespread support for this bill
177 on both sides of the aisle in this committee as well as in
178 the Foreign Affairs Committee.

179 The version of the bill that the committee is
180 considering today reflects refinements negotiated between
181 the majority and minority staff of both committees, which

182 are responsive to comments provided by the State Department.

183 I strongly support this bill, and I hope that, given
184 its broad bipartisan support, it will be brought to the
185 floor when we return from the August recess.

186 I would now like you have the balance of my time to
187 Congresswoman Pramila Jayapal, who is a steadfast advocate
188 for the Tibetan human rights and a champion of this
189 important legislation.

190 [The prepared statement of Mr. Nadler follows:]

191 ***** COMMITTEE INSERT *****

192 Ms. Jayapal. Thank you, Mr. Nadler, for your
193 incredible leadership on this issue and for yielding time to
194 me, and Chairman Goodlatte, I want to thank you for your
195 strong statement and for your work in getting this bill to a
196 markup. I also want to thank Mr. McGovern for his
197 incredible dedication to this issue. I had the opportunity
198 to go on a trip with Mr. Sensenbrenner to Dharamshala last
199 year, and he has been an outspoken champion of Tibetan human
200 rights, and it is so gratifying to see the incredible
201 bipartisan support in this committee and beyond on this
202 issue.

203 The Reciprocal Access to Tibet Act is about fairness,
204 human rights, and careful U.S. diplomacy at its core. For
205 too long China has restricted access to Tibet, prevented
206 U.S. diplomats and journalists from observing human rights
207 abuses in Tibet, and prevented Tibetan-Americans from
208 visiting their home country. A Washington Post journalist
209 said in 2016 that Tibet is "harder to visit as a journalist
210 than North Korea."

211 This bill seeks to reset the table. It is premised on
212 the idea that reciprocity forms the basis of diplomatic law
213 and practice of mutual exchanges between the countries, and
214 it simply requires if Chinese officials, journalists, and
215 other citizens are able to travel freely in the United
216 States, then it is only fair that their American

217 counterparts are able to do the same.

218 Mr. Chairman, as I mentioned, I had the great honor of
219 meeting with His Holiness last year, and it was a deeply
220 moving meeting with him, the Tibetan Government in exile,
221 and the 10,000-plus people that came to a public celebration
222 event while we were there. His Holiness is a man of peace
223 and tremendous integrity, and he has laid out a five-year
224 roadmap for negotiations with China, and he is willing to
225 work with China to find a way forward.

226 But for any peace plan to get a footing, it is
227 absolutely essential that we work closely with our global
228 partners to push this issue at this time, because it is
229 widely believed that upon His Holiness's eventual death a
230 period of greater instability is likely to ensue, making the
231 human rights issues and possible solutions even more
232 intractable. So, the timing of this markup and hopefully
233 successful conclusion of this hearing and then moving to the
234 floor expeditiously is essential.

235 There are many Tibetan-Americans throughout the United
236 States whose family members still reside within Tibet, and
237 they are watching closely for signs that the United States
238 is willing to help, willing to allow them to return to visit
239 their families and hoping fervently for a solution to the
240 pain and suffering in Tibet and with the diaspora that has
241 been experienced by generations.

242 This bill is about careful U.S. leadership, and I look
243 forward to working with you, Mr. Chairman, and with our
244 ranking member to get this bill to the floor, and I thank
245 you very much for yielding time, Mr. Nadler.

246 Mr. Nadler. Thank you, and I yield back.

247 Mr. Chabot. Mr. Chairman?

248 Chairman Goodlatte. For what purpose does the
249 gentleman from Ohio seek recognition?

250 Mr. Chabot. I move to strike the last word.

251 Chairman Goodlatte. The gentleman is recognized for 5
252 minutes.

253 Mr. Chabot. Thank you, Mr. Chairman, and thank you for
254 bringing this up today and holding this markup. I also want
255 to thank Mr. McGovern and Mr. Hultgren for their work on
256 this legislation, which I am a cosponsor of. In addition to
257 my service on this committee, I also served for two decades
258 on the Foreign Affairs Committee and have chaired the Middle
259 East Committee as well as the Asian and Asian-Pacific
260 Subcommittee as well.

261 Over in Foreign Affairs, we see China as seeking to
262 undermine a rules-based international order virtually every
263 day. Whether it is intellectual property rights, forced
264 technology transfers, cybersecurity trade, or the Made in
265 China 2025 plan, it is clear that Beijing continues to enjoy
266 the blessings of peace and stability while routinely

267 flouting the rules to gain a competitive edge. This is a
268 direct threat to our national security, and it is also
269 deeply unfair.

270 Furthermore, China seeks a world that revolves around
271 China, one where the rules are full of double standards
272 designed to favor Chinese interests. One such double
273 standard is Tibet. While free Western societies allow
274 Chinese officials and journalists to come here routinely,
275 China tightly restricts access to Tibet, not only for
276 Western journalists and human rights activists but also for
277 Western officials, and even members of the Tibetan diaspora
278 merely seeking to visit their ancestral homeland.

279 China also oppresses the Tibetan people, interfering in
280 their religion by seeking to appoint the next Dalai Lama,
281 forcing the current Dalai Lama and Tibetan Government in
282 exile, and restricting Tibetans' freedom of movement both
283 inside Tibet and in international travel. That is why
284 today's legislation is so important. It lays out criteria
285 to draw up a list of Chinese officials and prohibits these
286 officials from obtaining a U.S. visa until we have similar
287 access to Tibet.

288 Until we push back against Beijing's double standards,
289 they will continue to bully us and their neighbors, and H.R.
290 1872 pushes back. I would urge my colleagues to support
291 this legislation, and I thank the chairman for allowing me

292 to speak. And I yield back.

293 Chairman Goodlatte. The chair thanks the gentleman.

294 Ms. Lofgren. Mr. Chairman?

295 Chairman Goodlatte. For what purpose does the
296 gentlewoman from California seek recognition?

297 Ms. Lofgren. I move to strike the last word.

298 Chairman Goodlatte. The gentlewoman is recognized for
299 5 minutes.

300 Chairman Goodlatte. You know, many of our temporary
301 immigration programs are founded on the concept of
302 reciprocity. In other words, we will offer your citizens
303 what you offer to our citizens. We saw an example of this
304 on the House floor on Monday with the passage of the KIWI
305 Act.

306 That bill provides temporary E-1 or E-2 visas to New
307 Zealanders seeking to conduct trade with or to invest in the
308 United States, but those provisions become operative if New
309 Zealand offers commensurate benefits to us. The same is
310 true with tourist visas, cultural exchange visas, and many
311 other visa programs, and in all of these programs the
312 underlying concept is the same: We'll do for you what you do
313 for us. This bill simply reinforces the concept of
314 reciprocity in our immigration system with respect to China.

315 The Chinese Government, as has been mentioned, has
316 imposed restrictions that prevent the travel of Americans,

317 including diplomats, officials, journalists, human rights
318 monitors, and tourists, to Tibetan areas within China, but
319 we do not pose such restrictions on travel by Chinese
320 citizens to the U.S.

321 Now, based on the concept of reciprocity, we would be
322 within our rights to deny entry to millions of Chinese
323 citizens or to limit their access to various parts of our
324 country, but this bill takes a much more measured approach,
325 and I agree with that. Rather than disadvantaging millions
326 of Chinese citizens who have nothing to do with the Tibet
327 travel restrictions, the bill focuses on the Chinese
328 Government officials who created or executed them. This
329 bill would deny visas to such officials while these Chinese
330 travel restrictions remain in effect.

331 Of course, waiver authority is provided to comply with
332 our UN headquarters obligations and when necessary to
333 address critical issues that are in our national interests,
334 and the State Department, of course, is required to provide
335 annual reporting to Congress on these restrictions. These
336 are fair, measured responses to Chinese policies affecting
337 our citizens, and I also believe they are critical for
338 helping to address human rights concerns in Tibet.

339 The current travel restrictions, as has been mentioned,
340 keep Tibet isolated; they prevent journalists and others
341 from assessing and exposing gross human rights violations in

342 the region. The State Department human rights report for
343 China and Tibet is filled with examples of such violations,
344 including torture, arbitrary arrests and imprisonment,
345 religious and cultural restrictions against Tibetans.

346 I have participated in many hearings relative to Tibet
347 and the human rights violations going on there, and I think
348 -- I am pleased that we are finally acting on this. It has
349 been a long time coming. But today is a good day to be
350 moving forward. It is an important step to protect the
351 Tibetan people. I strongly support this bill, and I urge my
352 colleagues do the same, and I yield back.

353 Chairman Goodlatte. Are there any amendments to the
354 amendment?

355 A reporting quorum being present, the question is on
356 the motion to report the bill H.R. 1872, as amended,
357 favorably to the House.

358 Those in favor will say aye.

359 Those opposed, no.

360 The ayes have it, and the bill is ordered reported
361 favorably.

362 Members will have 2 days to submit views, and without
363 objection, the bill reported as a single amendment in the
364 nature of a substitute incorporating all adopted amendments,
365 and staff is authorized to make technical and conforming
366 changes.

367 This concludes our business for today. Thanks to all
368 of our members for attending, and the markup is adjourned.

369 [Whereupon, at 10:46 a.m., the committee was
370 adjourned.]