

107TH CONGRESS
1ST SESSION

H. R. 1779

To support the aspirations of the Tibetan people to safeguard their distinct identity.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2001

Mr. LANTOS (for himself, Mr. KIRK, Mr. ACKERMAN, Mr. PAYNE, Mr. BOUCHER, Mr. ABERCROMBIE, Mr. ROHRABACHER, Ms. PELOSI, Mr. STARK, Ms. BALDWIN, Mr. KUCINICH, Mr. DELAHUNT, Mr. BROWN of Ohio, Mr. SHERMAN, Mr. MCGOVERN, Mr. KING, Mr. HOEFFEL, Mr. FALDOMAEGA, Mr. GILMAN, Mr. FRANK, Mr. COX, Mr. WEXLER, Mr. MENENDEZ, Mr. WOLF, Mr. BONIOR, Ms. MCKINNEY, Mr. ALLEN, Ms. KAPTUR, Mr. HINCHEY, Mr. RODRIGUEZ, Ms. LOFGREN, Mr. BLUNT, Mr. EVANS, Mr. TOWNS, Mr. SUNUNU, Mr. BERMAN, Mr. SANDERS, Mr. TANCREDO, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To support the aspirations of the Tibetan people to safeguard their distinct identity.

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 “Tibetan Policy Act of
5 2001”.

1 **SEC. 2. STATEMENT OF PURPOSE.**

2 The purpose of this Act is to support the aspirations
3 of the Tibetan people to safeguard their distinct identity.

4 **SEC. 3. FINDINGS.**

5 Congress makes the following findings:

6 (1) The People's Republic of China has failed
7 to respond to efforts by the United States and oth-
8 ers to initiate a dialogue between the Chinese leader-
9 ship and the Dalai Lama or his representatives lead-
10 ing to a mutually beneficial negotiated solution with
11 respect to Tibet.

12 (2) Tibet has maintained throughout its history
13 a national identity distinct from that of China.

14 (3) On October 1, 1949, the People's Republic
15 of China was formally proclaimed in Beijing and the
16 following year launched an armed invasion of Tibet.

17 (4) Under the 1951 Seventeen Point Agreement
18 between the People's Republic of China and rep-
19 resentatives of the Tibetan Government, which in-
20 corporated Tibet into China, China guaranteed no
21 alteration of Tibetan political, cultural, and religious
22 systems and institutions.

23 (5) The failure of the People's Republic of
24 China to adhere to or uphold the Seventeen Point
25 Agreement, and the imposition of so-called demo-
26 cratic reform, led to the March 1959 uprising in

1 Lhasa and the Dalai Lama’s repudiation of the Sev-
2 enteen Point Agreement and flight to exile.

3 (6) Since the revolt against Chinese rule in
4 Tibet that began in 1956 and through the end of the
5 Cultural Revolution in 1976, an estimated 1,200,000
6 Tibetans were killed and more than 6,000 religious
7 sites were destroyed.

8 (7) In 1959, 1960, 1964, and 1997 the Inter-
9 national Commission of Jurists examined Chinese
10 policy in Tibet, violations of human rights in Tibet,
11 and the position of Tibet in international law.

12 (8) The International Commission of Jurists
13 found that the People’s Republic of China had com-
14 mitted “acts of genocide . . . in Tibet in an attempt
15 to destroy the Tibetans as a religious group” and
16 that Tibet was at least “a de facto state” prior to
17 1951.

18 (9) The United Nations General Assembly
19 adopted resolutions in 1959, 1961, and 1965 calling
20 on the People’s Republic of China to ensure respect
21 for fundamental human rights of the Tibetan people
22 and for their distinctive cultural and religious life,
23 and to cease practices which deprive the Tibetan
24 people of their fundamental rights and freedoms, in-
25 cluding the right to self-determination.

1 (10) The 2000 Department of State Country
2 Report on Human Rights Practices finds that “Chi-
3 nese government authorities continued to commit
4 numerous serious human rights abuses in Tibet, in-
5 cluding instances of torture, arbitrary arrest, deten-
6 tion without public trial, and lengthy detention of
7 Tibetan nationalists for peacefully expressing their
8 political or religious views, and tight controls on reli-
9 gion and on other fundamental freedoms continued
10 and intensified during the year”.

11 (11) Human rights, religious freedom, and the
12 preservation of Tibet’s distinct religious, cultural,
13 and linguistic identity are legitimate interests of the
14 international community.

15 (12) It is the policy of the United States to pro-
16 mote the elimination of all forms of racial, religious,
17 and linguistic discrimination against the Tibetan
18 people.

19 (13) Voice of America and Radio Free Asia Ti-
20 betan language broadcast programs provide informa-
21 tion to the Tibetan people withheld from them by
22 the Government of the People’s Republic of China
23 and, thus, a critical service in protecting the distinct
24 Tibetan identity and promoting freedoms in Tibet.

1 (14) The Government of the People’s Republic
2 of China, through direct and indirect incentives, has
3 encouraged an overwhelming number of Chinese to
4 resettle in Tibet.

5 (15) The Government of the People’s Republic
6 of China has excluded Tibetans from participation in
7 important policy decisions and meaningful participa-
8 tion in the governance of Tibet, and has failed to
9 abide by its guarantees of autonomy for Tibet.

10 (16) The Guidelines for International Develop-
11 ment Projects and Sustainable Investment in Tibet
12 issued by the Central Tibetan Administration of His
13 Holiness the Dalai Lama establish a sound basis for
14 fostering responsible development and economic ac-
15 tivity in Tibet.

16 (17) As a result of the failure of the Govern-
17 ment of the People’s Republic of China to grant gen-
18 uine autonomy for Tibetans and the preference it
19 has shown in its economic and human infrastructure
20 development efforts for Chinese in Tibet, Tibetans
21 continue to remain plagued by poverty, illiteracy,
22 poor nutrition, and their prosperity is further hin-
23 dered by a limited infrastructure and communica-
24 tions network that provides them only a marginal
25 benefit.

1 (18) The People’s Republic of China has rati-
2 fied the International Covenant on Economic, Social,
3 and Cultural Rights and is thereby bound by its pro-
4 visions and to international monitoring of its human
5 rights practices, and China has signed the Inter-
6 national Covenant on Civil and Political Rights, and
7 Article One of both covenants state that all peoples
8 have the right of self-determination.

9 (19) President Jiang Zemin, in a press con-
10 ference with President Clinton on June 27, 1997,
11 and similarly on other occasions, has stated that if
12 the Dalai Lama “recognizes that Tibet is an insepa-
13 rable part of China, then the door to negotiations is
14 open”.

15 (20) The Dalai Lama has specifically stated
16 that he is not seeking independence and is com-
17 mitted to finding a negotiated solution within the
18 framework enunciated by Deng Xiaoping in 1979,
19 and in his statement on the “41st Anniversary of
20 the Tibetan National Uprising”, and similarly on
21 other occasions, has said that “it has been my con-
22 sistent endeavor to find a peaceful and mutually ac-
23 ceptable solution to the Tibetan problem . . . [m]y
24 approach envisages that Tibet enjoy genuine auton-
25 omy within the framework of the People’s Republic

1 of China . . . [s]uch a mutually beneficial solution
2 would contribute to the stability and unity of China,
3 their two most important priorities, while at the
4 same time the Tibetans would be ensured of their
5 basic right to preserve their own [c]ivilization and to
6 protect the delicate environment of the Tibetan pla-
7 teau”.

8 **SEC. 4. DECLARATIONS OF POLICY.**

9 Congress—

10 (1) as stated in section 355 of the Foreign Re-
11 lations Authorization Act, Fiscal Years 1992 and
12 1993 (Public Law 102–138), reaffirms that Tibet,
13 including those Tibetan areas incorporated into the
14 Chinese provinces of Sichuan, Yunnan, Gansu, and
15 Qinghai, is an occupied country under the estab-
16 lished principles of international law;

17 (2) commends the Republic of India for pro-
18 viding asylum and ongoing humanitarian care to the
19 Dalai Lama and Tibetans and exile and assuming
20 the financial burden of such care on the resources
21 of India; and

22 (3)(A) commends the Kingdom of Nepal for
23 shelter and hospitality provided to Tibetans in exile;

24 (B) expresses concern over incidents of ill treat-
25 ment of transiting Tibetans in border areas; and

1 (C) urges continued cooperation with the Office
2 of the United Nations High Commissioner for Refu-
3 gees in Kathmandu.

4 **SEC. 5. TIBET NEGOTIATIONS.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) the President and Secretary of State should
8 initiate steps to encourage the Government of the
9 People’s Republic of China to enter into a dialogue
10 with the Dalai Lama or his representatives leading
11 to a negotiated agreement on Tibet; and

12 (2) after such an agreement is reached, the
13 President and Secretary of State should work to en-
14 sure compliance with the agreement.

15 (b) PERIODIC REPORT.—Not later than six months
16 after the date of the enactment of this Act, and not later
17 than the end of every six-month period thereafter (until
18 such a time as an agreement described in subsection (a)(1)
19 is reached which is satisfactory to both the Chinese and
20 Tibetan peoples), the President shall transmit to the Com-
21 mittee on International Relations of the House of Rep-
22 resentatives and the Committee on Foreign Relations of
23 the Senate a report on (1) the steps initiated by the Presi-
24 dent and Secretary of State in accordance with subsection
25 (a)(1), and (2) the status of any discussions between the

1 People's Republic of China and the Dalai Lama or his rep-
2 resentatives.

3 **SEC. 6. REPORTING ON TIBET.**

4 In accordance with to section 536(b) of the Foreign
5 Relations Authorization Act, Fiscal Years 1994 and 1995
6 (Public Law 103-236), whenever a report is transmitted
7 to the Congress on a country-by-country basis there shall
8 be included in such report, where applicable, a separate
9 section on Tibet. The reports referred to in the preceding
10 sentence include reports transmitted under sections
11 116(d) and 502B(b) of the Foreign Assistance Act of
12 1961 (relating to human rights).

13 **SEC. 7. UNITED STATES SPECIAL COORDINATOR FOR TI-**
14 **BETAN ISSUES.**

15 (a) UNITED STATES SPECIAL COORDINATOR FOR TI-
16 BETAN ISSUES.—There shall be within the Department of
17 State a United States Special Coordinator for Tibetan
18 Issues.

19 (b) CONSULTATION.—The Secretary of State shall
20 consult with the Chairman and Ranking Member of the
21 Committee on Foreign Relations of the Senate and the
22 Committee on International Relations of the House of
23 Representatives prior to the designation of the Special Co-
24 ordinator.

1 (c) CENTRAL OBJECTIVE.—The central objective of
2 the Special Coordinator is to promote substantive dialogue
3 between the Government of the People’s Republic of China
4 and the Dalai Lama or his representatives.

5 (d) DUTIES AND RESPONSIBILITIES.—The Special
6 Coordinator shall—

7 (1) coordinate United States Government poli-
8 cies, programs, and projects concerning Tibet;

9 (2) vigorously promote the policy of seeking to
10 protect the distinct historical, religious, cultural, and
11 linguistic identity of Tibet, and seeking improved re-
12 spect for human rights;

13 (3) maintain close contact with religious, cul-
14 tural, and political leaders of the Tibetan people, in-
15 cluding regular travel to Tibetan areas of the Peo-
16 ple’s Republic of China, and to Tibetan refugee set-
17 tlements in India and Nepal;

18 (4) consult with Congress on policies relevant to
19 Tibet and the future and welfare of the Tibetan peo-
20 ple;

21 (5) make efforts to establish contacts in the for-
22 eign ministries of other countries to pursue a nego-
23 tiated solution for Tibet; and

24 (6) have adequate resources, staff, and adminis-
25 trative support for the mission.

1 **SEC. 8. CONGRESSIONAL-EXECUTIVE COMMISSION ON THE**
2 **PEOPLE'S REPUBLIC OF CHINA.**

3 Section 302(h) of the U.S.-China Relations Act of
4 2000 (Public Law 106–286), relating to the Congres-
5 sional-Executive Commission on the People's Republic of
6 China, is amended—

7 (1) by striking “shall include specific informa-
8 tion” and inserting the following: “shall include—

9 “(1) specific information”; and

10 (2) by striking the period at the end and insert-
11 ing “; and”; and

12 (3) by adding at the end the following:

13 “(2) a description of the status of negotiations
14 between the Government of the People's Republic of
15 China and the Dalai Lama or his representatives,
16 and measures taken to safeguard Tibet's distinct
17 historical, religious, cultural, and linguistic identity
18 and the protection of human rights.”.

19 **SEC. 9. TIBETAN REFUGEES.**

20 (a) **MIGRATION AND REFUGEE ASSISTANCE.**—Of the
21 amounts authorized to be appropriated for migration and
22 refugee assistance programs for fiscal years 2002, 2003,
23 and 2004, not less than \$2,000,000 for each such fiscal
24 year is authorized to be available only for humanitarian
25 assistance for Tibetan refugees.

1 (b) EDUCATIONAL AND CULTURAL EXCHANGE PRO-
2 GRAMS.—Of the amounts authorized to be appropriated
3 for educational and cultural exchange programs for fiscal
4 years 2002, 2003, and 2004, not less than \$500,000 for
5 each such fiscal year is authorized to be available only for
6 the Ngawang Choephel Tibetan scholarship program for
7 Tibetans in exile.

8 (c) HUMAN RIGHTS AND DEMOCRACY.—Of the
9 amounts authorized to be appropriated for human rights
10 and democracy programs for fiscal years 2002, 2003, and
11 2004, not less than \$250,000 for each such fiscal year
12 is authorized to be available only for assistance to non-
13 governmental organizations, such as the National Endow-
14 ment for Democracy, for the purpose of providing training
15 and education in democracy activities for Tibetans and
16 monitoring the human rights situation in Tibet.

17 **SEC. 10. ECONOMIC DEVELOPMENT ON THE TIBETAN PLA-**
18 **TEAU.**

19 (a) DECLARATIONS OF POLICY.—It is the policy of
20 the United States—

21 (1) to encourage and support projects proposed
22 to be funded or otherwise supported by international
23 financial institutions, other international organiza-
24 tions, and nongovernmental organizations in Tibet
25 that are designed to raise the standard of living for

1 the Tibetan people and assist Tibetans to become
2 self-sufficient, and that meet the principles con-
3 tained in subsection (d); and

4 (2) to oppose projects funded or otherwise sup-
5 ported by international financial institutions, other
6 international organizations, and nongovernmental
7 organizations in Tibet that do not meet the prin-
8 ciples contained in subsection (d).

9 (b) INTERNATIONAL FINANCIAL INSTITUTIONS.—

10 The Secretary of the Treasury shall instruct the United
11 States executive director of each international financial
12 institution—

13 (1) to encourage and support projects proposed
14 to be funded or otherwise supported by such inter-
15 national financial institutions in Tibet which are
16 consistent with the principles contained in subsection
17 (d); and

18 (2) to use the voice and vote of the United
19 States to oppose those projects which do not meet
20 the principles contained in subsection (d).

21 (c) EXPORT-IMPORT BANK, OPIC, AND TDA.—The
22 President shall direct the Export-Import Bank of the
23 United States, the Overseas Private Investment Corpora-
24 tion, and the Trade and Development Agency—

1 (1) to support projects proposed to be funded
2 or otherwise supported by such entities in Tibet that
3 are consistent with the principles contained in sub-
4 section (d); and

5 (2) to oppose projects proposed to be funded by
6 such entities that do not meet the principles con-
7 tained in subsection (d).

8 (d) TIBET PRINCIPLES.—Projects in Tibet supported
9 by international financial institutions, other international
10 organizations, nongovernmental organizations, and the
11 United States entities referred to in subsection (c),
12 should—

13 (1) be implemented only after conducting a
14 thorough needs-assessment of the Tibetan people
15 through field visits and interviews;

16 (2) be preceded by cultural and environmental
17 impact assessments;

18 (3) foster self-sufficiency and self-reliance of Ti-
19 betans;

20 (4) promote accountability of the development
21 agencies to the Tibetan people and active participa-
22 tion of Tibetans in all project stages;

23 (5) respect Tibetan culture, traditions, and the
24 Tibetan knowledge and wisdom about their land-
25 scape and survival techniques;

1 (6) be subject to monitoring by the development
2 agencies at all stages of the project by a local pres-
3 ence to ensure that the intended target group bene-
4 fits;

5 (7) be implemented by development agencies
6 prepared to use Tibetan as the working language of
7 the projects;

8 (8) neither provide incentive for, nor facilitate
9 the migration and settlement of, non-Tibetans into
10 Tibet; and

11 (9) neither provide incentive for, nor facilitate
12 the transfer of ownership of, Tibetan land and nat-
13 ural resources to non-Tibetans.

14 **SEC. 11. UNITED STATES-EUROPEAN INTERPARLIAMEN-**
15 **TARY GROUP.**

16 It is the sense of Congress that the United States
17 and European parliamentarians participating in the
18 United States-European Interparliamentary Group should
19 focus on issues related to advancing the dialogue between
20 the leadership of the People's Republic of China and the
21 Dalai Lama or his representatives in addition to their nor-
22 mal responsibilities.

1 **SEC. 12. RELEASE OF PRISONERS AND ACCESS TO PRIS-**
2 **ONS.**

3 It is the sense of Congress that the President and
4 Secretary of State, in meetings with representatives of the
5 Government of the People's Republic of China, should—

6 (1) request the immediate and unconditional re-
7 lease of all prisoners detained for expressing their
8 political or religious beliefs in Tibet;

9 (2) seek access for international humanitarian
10 organizations to prisoners in Tibet to ensure that
11 prisoners are not being mistreated and are receiving
12 necessary medical care;

13 (3) seek the immediate medical parole of
14 Ngawang Choephel and other Tibetan prisoners
15 known to be in serious ill health; and

16 (4) request the immediate and unconditional re-
17 lease from detention of the 11th Panchen Lama,
18 Gedhun Choekyi Nyima, who was taken on May 17,
19 1995, and allow him to pursue his religious studies
20 without interference and according to tradition.

21 **SEC. 13. ESTABLISHMENT OF A UNITED STATES BRANCH**
22 **OFFICE IN LHASA, TIBET.**

23 The Secretary of State shall make best efforts to es-
24 tablish a branch office in Lhasa, Tibet, of the United
25 States Consulate General in Chengdu, People's Republic

1 of China, to monitor political, economic, and cultural de-
2 velopments in Tibet.

3 **SEC. 14. REQUIREMENT FOR TIBETAN LANGUAGE TRAIN-**
4 **ING.**

5 The Secretary of State shall ensure that Tibetan lan-
6 guage training is available to foreign service officers, and
7 that every effort is made to ensure that a Tibetan-speak-
8 ing foreign service officer is assigned to the consulate in
9 the People's Republic of China responsible for tracking de-
10 velopments in Tibet.

11 **SEC. 15. ASSISTANCE FOR TIBET.**

12 It is the sense of Congress that the United States
13 Government should seek ways to promote economic devel-
14 opment, cultural preservation, health care, and education
15 and environmental sustainability for Tibetans inside
16 Tibet.

17 **SEC. 16. TIBET CONSIDERATIONS AT THE UNITED NATIONS.**

18 It is the sense of Congress that—

19 (1) the United States Government should op-
20 pose any efforts to prevent consideration of the
21 issues related to Tibet in any body of the United
22 Nations;

23 (2) the United States Government should op-
24 pose any efforts to prevent the participation of the
25 Dalai Lama or any representative of the Dalai Lama

1 in nongovernmental fora hosted by or otherwise or-
2 ganized under the auspices of any body of the
3 United Nations; and

4 (3) the Secretary of State should instruct the
5 United States Permanent Representative to the
6 United Nations to support the appointment of—

7 (A) a representative of the United Nations
8 General Secretary to help promote a negotiated
9 settlement for Tibet; and

10 (B) a special rapporteur or working group
11 for Tibet for the purposes of monitoring human
12 rights violations in Tibet, and for making re-
13 ports available to the High Commissioner for
14 Refugees, the High Commissioner for Human
15 Rights, the Human Rights Commission, the
16 General Assembly, and other United Nations
17 bodies.

18 **SEC. 17. RELIGIOUS PERSECUTION IN TIBET.**

19 (a) HIGH-LEVEL CONTACTS.—Pursuant to section
20 105 of the International Religious Freedom Act of 1998,
21 the United States Ambassador to the People’s Republic
22 of China—

23 (1) shall seek to meet with the 11th Panchen
24 Lama, who was taken from his home on May 17,

1 1995, and otherwise ascertain information con-
2 cerning his whereabouts and well-being; and

3 (2) shall request the Government of the Peo-
4 ple's Republic of China that the 11th Panchen Lama
5 be released and allowed to pursue his religious stud-
6 ies without interference and according to tradition.

7 (b) PROMOTION OF INCREASED ADVOCACY.—Pursu-
8 ant to section 108(a) of the International Religious Free-
9 dom Act of 1998, it is the sense of Congress that rep-
10 resentatives of the United States Government in ex-
11 changes with officials of the Government of the People's
12 Republic of China should call for and otherwise promote—

13 (1) the immediate and unconditional release of
14 the 11th Panchen Lama by the Chinese Government
15 and that he be allowed to pursue his religious stud-
16 ies without interference and according to tradition;

17 (2) the return of responsibility of managing Ti-
18 betan monasteries from the Democratic Management
19 Committees to the abbots or other traditional leader-
20 ship of Tibetan monasteries;

21 (3) the immediate halt of activities of Com-
22 munist Party work teams in Tibetan monasteries,
23 including patriotic reeducation which undermines the
24 fundamental characteristics of religion and religious
25 freedom; and

1 (4) the cessation of all interference by the Reli-
2 gious Affairs Bureau and other organs of the Gov-
3 ernment of the People's Republic of China or Com-
4 munist Party in the selection of reincarnate Tibetan
5 Lamas.

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