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. PALEOMAVAEGA, Mr. GILMAN, Mr. FRANK, Mr. COX, Mr. WEXLER, Mr. MENENDEZ, Mr. WOLF, Mr. BONIOR, Ms. MCKINNEY, Mr. ALLEN, Ms. KAPTUR, Mr. HINCHENY, 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as “Tibetan Policy Act of 2001”.
SEC. 2. STATEMENT OF PURPOSE.

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

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) The People’s Republic of China has failed to respond to efforts by the United States and others to initiate a dialogue between the Chinese leadership and the Dalai Lama or his representatives leading to a mutually beneficial negotiated solution with respect to Tibet.

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

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

(4) Under the 1951 Seventeen Point Agreement between the People’s Republic of China and representatives of the Tibetan Government, which incorporated Tibet into China, China guaranteed no alteration of Tibetan political, cultural, and religious systems and institutions.

(5) The failure of the People’s Republic of China to adhere to or uphold the Seventeen Point Agreement, and the imposition of so-called democratic reform, led to the March 1959 uprising in
Lhasa and the Dalai Lama’s repudiation of the Seventeen Point Agreement and flight to exile.

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


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

(9) The United Nations General Assembly adopted resolutions in 1959, 1961, and 1965 calling on the People’s Republic of China to ensure respect for fundamental human rights of the Tibetan people and for their distinctive cultural and religious life, and to cease practices which deprive the Tibetan people of their fundamental rights and freedoms, including the right to self-determination.
(10) The 2000 Department of State Country Report on Human Rights Practices finds that “Chinese government authorities continued to commit numerous serious human rights abuses in Tibet, including instances of torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetan nationalists for peacefully expressing their political or religious views, and tight controls on religion and on other fundamental freedoms continued and intensified during the year”.

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

(12) It is the policy of the United States to promote the elimination of all forms of racial, religious, and linguistic discrimination against the Tibetan people.

(13) Voice of America and Radio Free Asia Tibetan language broadcast programs provide information to the Tibetan people withheld from them by the Government of the People’s Republic of China and, thus, a critical service in protecting the distinct Tibetan identity and promoting freedoms in Tibet.
(14) The Government of the People’s Republic of China, through direct and indirect incentives, has encouraged an overwhelming number of Chinese to resettle in Tibet.

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

(16) The Guidelines for International Development Projects and Sustainable Investment in Tibet issued by the Central Tibetan Administration of His Holiness the Dalai Lama establish a sound basis for fostering responsible development and economic activity in Tibet.

(17) As a result of the failure of the Government of the People’s Republic of China to grant genuine autonomy for Tibetans and the preference it has shown in its economic and human infrastructure development efforts for Chinese in Tibet, Tibetans continue to remain plagued by poverty, illiteracy, poor nutrition, and their prosperity is further hindered by a limited infrastructure and communications network that provides them only a marginal benefit.
(18) The People’s Republic of China has ratified the International Covenant on Economic, Social, and Cultural Rights and is thereby bound by its provisions and to international monitoring of its human rights practices, and China has signed the International Covenant on Civil and Political Rights, and Article One of both covenants state that all peoples have the right of self-determination.

(19) President Jiang Zemin, in a press conference with President Clinton on June 27, 1997, and similarly on other occasions, has stated that if the Dalai Lama “recognizes that Tibet is an inseparable part of China, then the door to negotiations is open”.

(20) The Dalai Lama has specifically stated that he is not seeking independence and is committed to finding a negotiated solution within the framework enunciated by Deng Xiaoping in 1979, and in his statement on the “41st Anniversary of the Tibetan National Uprising”, and similarly on other occasions, has said that “it has been my consistent endeavor to find a peaceful and mutually acceptable solution to the Tibetan problem . . . [m]y approach envisages that Tibet enjoy genuine autonomy within the framework of the People’s Republic
of China . . . such a mutually beneficial solution would contribute to the stability and unity of China, their two most important priorities, while at the same time the Tibetans would be ensured of their basic right to preserve their own civilization and to protect the delicate environment of the Tibetan plateau”.

SEC. 4. DECLARATIONS OF POLICY.

Congress—

(1) as stated in section 355 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138), reaffirms that Tibet, including those Tibetan areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Qinghai, is an occupied country under the established principles of international law;

(2) commends the Republic of India for providing asylum and ongoing humanitarian care to the Dalai Lama and Tibetans and exile and assuming the financial burden of such care on the resources of India; and

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

(B) expresses concern over incidents of ill treatment of transiting Tibetans in border areas; and
(C) urges continued cooperation with the Office of the United Nations High Commissioner for Refugees in Kathmandu.

SEC. 5. TIBET NEGOTIATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

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

(2) after such an agreement is reached, the President and Secretary of State should work to ensure compliance with the agreement.

(b) PERIODIC REPORT.—Not later than six months after the date of the enactment of this Act, and not later than the end of every six-month period thereafter (until such a time as an agreement described in subsection (a)(1) is reached which is satisfactory to both the Chinese and Tibetan peoples), the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on (1) the steps initiated by the President and Secretary of State in accordance with subsection (a)(1), and (2) the status of any discussions between the
People’s Republic of China and the Dalai Lama or his representatives.

SEC. 6. REPORTING ON TIBET.

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

SEC. 7. UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.

(a) United States Special Coordinator for Tibetan Issues.—There shall be within the Department of State a United States Special Coordinator for Tibetan Issues.

(b) Consultation.—The Secretary of State shall consult with the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives prior to the designation of the Special Coordinator.
(c) **Central Objective.**—The central objective of the Special Coordinator is to promote substantive dialogue between the Government of the People’s Republic of China and the Dalai Lama or his representatives.

(d) **Duties and Responsibilities.**—The Special Coordinator shall—

1. coordinate United States Government policies, programs, and projects concerning Tibet;
2. vigorously promote the policy of seeking to protect the distinct historical, religious, cultural, and linguistic identity of Tibet, and seeking improved respect for human rights;
3. maintain close contact with religious, cultural, and political leaders of the Tibetan people, including regular travel to Tibetan areas of the People’s Republic of China, and to Tibetan refugee settlements in India and Nepal;
4. consult with Congress on policies relevant to Tibet and the future and welfare of the Tibetan people;
5. make efforts to establish contacts in the foreign ministries of other countries to pursue a negotiated solution for Tibet; and
6. have adequate resources, staff, and administrative support for the mission.
SEC. 8. CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
PEOPLE’S REPUBLIC OF CHINA.

Section 302(h) of the U.S.-China Relations Act of 2000 (Public Law 106–286), relating to the Congressional-Executive Commission on the People’s Republic of China, is amended—

(1) by striking “shall include specific information” and inserting the following: “shall include—

“(1) specific information”; and

(2) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

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

SEC. 9. TIBETAN REFUGEES.

(a) MIGRATION AND REFUGEE ASSISTANCE.—Of the amounts authorized to be appropriated for migration and refugee assistance programs for fiscal years 2002, 2003, and 2004, not less than $2,000,000 for each such fiscal year is authorized to be available only for humanitarian assistance for Tibetan refugees.
(b) **EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.**—Of the amounts authorized to be appropriated for educational and cultural exchange programs for fiscal years 2002, 2003, and 2004, not less than $500,000 for each such fiscal year is authorized to be available only for the Ngawang Choephel Tibetan scholarship program for Tibetans in exile.

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

**SEC. 10. ECONOMIC DEVELOPMENT ON THE TIBETAN PLATEAU.**

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

(1) to encourage and support projects proposed to be funded or otherwise supported by international financial institutions, other international organizations, and nongovernmental organizations in Tibet that are designed to raise the standard of living for
the Tibetan people and assist Tibetans to become self-sufficient, and that meet the principles contained in subsection (d); and

(2) to oppose projects funded or otherwise supported by international financial institutions, other international organizations, and nongovernmental organizations in Tibet that do not meet the principles contained in subsection (d).

(b) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution—

(1) to encourage and support projects proposed to be funded or otherwise supported by such international financial institutions in Tibet which are consistent with the principles contained in subsection (d); and

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

(c) EXPORT-IMPORT BANK, OPIC, AND TDA.—The President shall direct the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and the Trade and Development Agency—
(1) to support projects proposed to be funded or otherwise supported by such entities in Tibet that are consistent with the principles contained in subsection (d); and

(2) to oppose projects proposed to be funded by such entities that do not meet the principles contained in subsection (d).

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

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

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

(3) foster self-sufficiency and self-reliance of Tibetans;

(4) promote accountability of the development agencies to the Tibetan people and active participation of Tibetans in all project stages;

(5) respect Tibetan culture, traditions, and the Tibetan knowledge and wisdom about their land- scape and survival techniques;
(6) be subject to monitoring by the development agencies at all stages of the project by a local presence to ensure that the intended target group benefits;

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

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

(9) neither provide incentive for, nor facilitate the transfer of ownership of, Tibetan land and natural resources to non-Tibetans.

SEC. 11. UNITED STATES-EUROPEAN INTERPARLIAMENTARY GROUP.

It is the sense of Congress that the United States and European parliamentarians participating in the United States-European Interparliamentary Group should focus on issues related to advancing the dialogue between the leadership of the People’s Republic of China and the Dalai Lama or his representatives in addition to their normal responsibilities.
SEC. 12. RELEASE OF PRISONERS AND ACCESS TO PRISO- 

1 nS.

2 It is the sense of Congress that the President and 
3 Secretary of State, in meetings with representatives of the 
4 Government of the People’s Republic of China, should— 
5 (1) request the immediate and unconditional re- 
6 lease of all prisoners detained for expressing their 
7 political or religious beliefs in Tibet; 
8 (2) seek access for international humanitarian 
9 organizations to prisoners in Tibet to ensure that 
10 prisoners are not being mistreated and are receiving 
11 necessary medical care; 
12 (3) seek the immediate medical parole of 
13 Ngawang Choephel and other Tibetan prisoners 
14 known to be in serious ill health; and 
15 (4) request the immediate and unconditional re- 
16 lease from detention of the 11th Panchen Lama, 
17 Gedhun Choekyi Nyima, who was taken on May 17, 
18 1995, and allow him to pursue his religious studies 
19 without interference and according to tradition. 

SEC. 13. ESTABLISHMENT OF A UNITED STATES BRANCH 

OFFICE IN LHASA, TIBET.

The Secretary of State shall make best efforts to es- 
1 tablish a branch office in Lhasa, Tibet, of the United 
2 States Consulate General in Chengdu, People’s Republic
of China, to monitor political, economic, and cultural developments in Tibet.

SEC. 14. REQUIREMENT FOR TIBETAN LANGUAGE TRAINING.

The Secretary of State shall ensure that Tibetan language training is available to foreign service officers, and that every effort is made to ensure that a Tibetan-speaking foreign service officer is assigned to the consulate in the People’s Republic of China responsible for tracking developments in Tibet.

SEC. 15. ASSISTANCE FOR TIBET.

It is the sense of Congress that the United States Government should seek ways to promote economic development, cultural preservation, health care, and education and environmental sustainability for Tibetans inside Tibet.

SEC. 16. TIBET CONSIDERATIONS AT THE UNITED NATIONS.

It is the sense of Congress that—

(1) the United States Government should oppose any efforts to prevent consideration of the issues related to Tibet in any body of the United Nations;

(2) the United States Government should oppose any efforts to prevent the participation of the Dalai Lama or any representative of the Dalai Lama...
in nongovernmental fora hosted by or otherwise org-
organized under the auspices of any body of the
United Nations; and

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

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

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

SEC. 17. RELIGIOUS PERSECUTION IN TIBET.

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

(1) shall seek to meet with the 11th Panchen
Lama, who was taken from his home on May 17,
1995, and otherwise ascertain information con-
cerning his whereabouts and well-being; and

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

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

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

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

(3) the immediate halt of activities of Com-
munist Party work teams in Tibetan monasteries,
including patriotic reeducation which undermines the
fundamental characteristics of religion and religious
freedom; and
(4) the cessation of all interference by the Religious Affairs Bureau and other organs of the Government of the People’s Republic of China or Communist Party in the selection of reincarnate Tibetan Lamas.