H. R. 8365

To amend the Tibetan Policy Act of 2002 to modify certain provisions of that Act.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2022

Mr. McGovern (for himself and Mr. McCaul) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Tibetan Policy Act of 2002 to modify certain provisions of that Act.

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 the “Promoting a Resolution to the Tibet-China Conflict Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) It has been the long-standing policy of the United States to encourage meaningful and direct dialogue between People’s Republic of China au-
authorities and the Dalai Lama or his representatives, without preconditions, to seek a settlement that resolves differences.

(2) Ten rounds of dialogue held between 2002 and 2010 between the People’s Republic of China authorities and the 14th Dalai Lama’s representatives failed to produce a settlement that resolved differences, and the two sides have not met since January 2010.

(3) An obstacle to further dialogue is that the Government of the People’s Republic of China continues to impose conditions on His Holiness the Dalai Lama for a resumption of dialogue, including a demand that he say that Tibet has been part of China since ancient times, which the Dalai Lama has refused to do because it is false.

(4) United States Government statements that the United States considers Tibet a part of the People’s Republic of China have reflected the reality on the ground that the Government of the People’s Republic of China has exerted effective control over Tibet.

(5) The United States Government has never taken the position that Tibet was a part of China since ancient times or that the means by which the
Government of the People’s Republic of China came to exert effective control over Tibet was consistent with international law or included the free or meaningful consent of the Tibetan people.


(7) Article 1 of the International Covenant on Civil and Political Rights and Article 1 the International Covenant on Economic, Social and Cultural Rights provide that “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”.

(8) Under international law, including United Nations General Assembly Resolution 2625, the right to self-determination is the right of a people to determine its own destiny and the exercise of this right can result in a variety of outcomes ranging from independence, federation, protection, some form of autonomy or full integration within a State.

(9) United Nations General Assembly Resolution 1723, adopted on December 20, 1961, called for
the “cessation of practices which deprive the Tibetan people of their fundamental human rights and freedoms, including their right to self-determination.”.

(10) In a December 30, 1950, note to the Governments of the United Kingdom and India, the Department of State wrote that “The United States, which was one of the early supporters of the principle of self-determination of peoples, believes that the Tibetan people has the same inherent right as any other to have the determining voice in its political destiny. It is believed further that, should developments warrant, consideration could be given to recognition of Tibet as an independent State.”.

(11) In a June 2, 1951, telegram to the United States Embassy in New Delhi, the State Department wrote that Tibet should not “be compelled by duress [to] accept [the] violation [of] its autonomy” and that the Tibetan people should “enjoy certain rights [of] self-determination, commensurate with [the] autonomy Tibet has maintained since [the] Chinese revolution.”

(12) Secretary of State Antony Blinken, in a May 26, 2022, speech entitled “The Administration’s Approach to the People’s Republic of China,” said that the rules-based international order’s
“founding documents include the UN Charter and
the Universal Declaration of Human Rights, which
enshrined concepts like self-determination, sov-
ereignty, the peaceful settlement of disputes. These
are not Western constructs. They are reflections of
the world’s shared aspirations.”.

(13) The Tibetan Policy Act of 2002 (22
U.S.C. 6901 note), in directing the United States
Government “to promote the human rights and dis-

tinct religious, cultural, linguistic, and historical
identity of the Tibetan people” acknowledges that
the Tibetan people possess a distinct religious, cul-
tural, linguistic, and historical identity.

(14) Department of State reports on human
rights and religious freedom have consistently docu-
mented repression by the People’s Republic of China
authorities against Tibetans as well as acts of defi-
ance and resistance by Tibetan people against the
People’s Republic of China policies.

(15) Section 355 of the Foreign Relations Au-
thorization Act, Fiscal Years 1992 and 1993 (Public
Law 102–138; 105 Stat. 713) stated that it is the
sense of Congress that—

(A) “Tibet, including those areas incor-
porated into the Chinese provinces of Sichuan,
Yunnan, Gansu, and Qinghai, is an occupied
country under the established principles of
international law’’;

(B) “Tibet’s true representatives are the
Dalai Lama and the Tibetan Government in
exile as recognized by the Tibetan people’’;

(C) “Tibet has maintained throughout its
history a distinctive and sovereign national, cul-
tural, and religious identity separate from that
of China and, except during periods of illegal
Chinese occupation, has maintained a separate
and sovereign political and territorial identity’’;

(D) “historical evidence of this separate
identity may be found in Chinese archival docu-
ments and traditional dynastic histories, in
United States recognition of Tibetan neutrality
during World War II, and in the fact that a
number of countries including the United
States, Mongolia, Bhutan, Sikkim, Nepal,
India, Japan, Great Britain, and Russia recog-
nized Tibet as an independent nation or dealt
with Tibet independently of any Chinese gov-
ernment’’;
(E) “1949–1950, China launched an armed invasion of Tibet in contravention of international law”;

(F) “it is the policy of the United States to oppose aggression and other illegal uses of force by one country against the sovereignty of another as a manner of acquiring territory, and to condemn violations of international law, including the illegal occupation of one country by another”; and

(G) “numerous United States declarations since the Chinese invasion have recognized Tibet’s right to self-determination and the illegality of China’s occupation of Tibet.”.

(16) The joint explanatory statement to accompany division K of the Consolidated Appropriations Act for Fiscal Year 2022 (Public Law 117–103) states that “Funds appropriated by the Act should not be used to produce or disseminate documents, maps, or other materials that recognize or identify Tibet, including the Tibet Autonomous Region and other Tibetan autonomous counties and prefectures, as part of the PRC until the Secretary of State reports to the appropriate congressional committees that the Government of the PRC has reached a final
negotiated agreement on Tibet with the Dalai Lama or his representatives or with democratically elected leaders of the Tibetan people.”.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States that—

(1) the Tibetan people are a people entitled to the right of self-determination under international law, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and that their ability to exercise this right is precluded by the current policies of the People’s Republic of China; and

(2) the conflict between Tibet and the People’s Republic of China is unresolved, and that the legal status of Tibet remains to be determined in accordance with international law.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) claims made by officials of the People’s Republic of China and the Chinese Communist Party that Tibet has been a part of China since ancient times are historically false;

(2) the Government of the People’s Republic of China has failed to meet the expectations of the
United States to engage in meaningful dialogue with the Dalai Lama or his representatives toward a peaceful settlement of the unresolved conflict between Tibet and the People’s Republic of China; and

(3) United States public diplomacy efforts should counter disinformation about Tibet from the Government of the People’s Republic of China and the Chinese Communist Party, including disinformation about the history of Tibet, the Tibetan people, and Tibetan institutions including that of the Dalai Lama.

SEC. 5. MODIFICATIONS TO THE TIBETAN POLICY ACT OF 2002.

(a) TIBET NEGOTIATIONS.—Section 613(b) of the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(4) efforts to counter disinformation about Tibet from the Government of the People’s Republic of China and the Chinese Communist Party, including disinformation about the history of Tibet, the
Tibetan people, and Tibetan institutions including that of the Dalai Lama.”.

(b) United States Special Coordinator for Tibetan Issues.—Section 621(d) of the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note) is amended—

(1) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and

(2) by inserting after paragraph (5) the following:

“(6) work to ensure that United States Government statements and documents counter, as appropriate, disinformation about Tibet from the Government of the People’s Republic of China and the Chinese Communist Party, including disinformation about the history of Tibet, the Tibetan people, and Tibetan institutions including that of the Dalai Lama;”.

(c) Geographic Definition of Tibet.—The Tibetan Policy Act of 2002 (22 U.S.C. 6901 note) is amended by adding at the end the following:

“SEC. 622. GEOGRAPHIC DEFINITION OF TIBET.

“(1) the Tibet Autonomous Region; and
“(2) the Tibetan areas of Qinghai, Sichuan, Gansu, and Yunnan provinces.”.

SEC. 6. AVAILABILITY OF AMOUNTS TO COUNTER DISINFORMATION ABOUT TIBET.

Amounts authorized to be appropriated or otherwise made available to carry out section 201(c) of the Asia Reassurance Initiative Act of 2018 (22 U.S.C. 2292 et seq.) are authorized to be made available to counter disinformation about Tibet from the Government of the People’s Republic of China and the Chinese Communist Party, including disinformation about the history of Tibet, the Tibetan people, and Tibetan institutions including that of the Dalai Lama.