

107TH CONGRESS  
1ST SESSION

# S. 852

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

---

## IN THE SENATE OF THE UNITED STATES

MAY 9, 2001

Mrs. FEINSTEIN (for herself, Mr. THOMAS, Mr. LEAHY, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. LEVIN, Mr. WELLSTONE, Mrs. BOXER, Mr. AKAKA, Mr. FEINGOLD, Mr. KENNEDY, Mrs. MURRAY, and Mr. TORRICELLI) introduced the following bill; which was read twice and referred to the Committee on Foreign 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”.

6       **SEC. 2. STATEMENT OF PURPOSE.**

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

1 **SEC. 3. FINDINGS.**

2 Congress makes the following findings:

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

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

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

14 (4) Under the 1951 Seventeen Point Agreement  
15 negotiated between the People's Republic of China  
16 and representatives of the Tibetan Government,  
17 which incorporated Tibet into China, China guaran-  
18 teed no alteration of Tibetan political, cultural, and  
19 religious systems and institutions.

20 (5) The failure of the People's Republic of  
21 China to adhere to or uphold the Seventeen Point  
22 Agreement, and the imposition of so-called demo-  
23 cratic reform, led to the March 1959 uprising in  
24 Lhasa and the Dalai Lama's repudiation of the Sev-  
25 enteen Point Agreement and flight to exile.

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

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

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

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

24          (10) The 2000 Department of State Country  
25          Report on Human Rights Practices finds that "Chi-

1 nese government authorities continued to commit  
 2 numerous serious human rights abuses in Tibet, in-  
 3 cluding instances of torture, arbitrary arrest, deten-  
 4 tion without public trial, and lengthy detention of  
 5 Tibetan nationalists for peacefully expressing their  
 6 political or religious views, and tight controls on reli-  
 7 gion and on other fundamental freedoms continued  
 8 and intensified during the year”.

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

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

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

23 (14) The Government of the People’s Republic  
 24 of China, through direct and indirect incentives, has

1 encouraged an overwhelming number of Chinese to  
2 resettle in Tibet.

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

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

14 (17) As a result of the failure of the Govern-  
15 ment of the People's Republic of China to grant gen-  
16 uine autonomy for Tibet and the preference it has  
17 shown in its economic and human infrastructure de-  
18 velopment efforts for Chinese in Tibet, Tibetans con-  
19 tinue to remain plagued by poverty, illiteracy, poor  
20 nutrition, and their prosperity is further hindered by  
21 a limited infrastructure and communications net-  
22 work that provides them only a marginal benefit.

23 (18) The People's Republic of China has rati-  
24 fied the International Covenant on Economic, Social,  
25 and Cultural Rights and is thereby bound by its pro-

1 visions and to international monitoring of its human  
 2 rights practices, and China has signed the Inter-  
 3 national Covenant on Civil and Political Rights, and  
 4 Article One of each covenant states that all peoples  
 5 have the right of self-determination.

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

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

1 same time the Tibetans would be ensured of their  
2 basic right to preserve their own [c]ivilization and to  
3 protect the delicate environment of the Tibetan pla-  
4 teau”.

5 **SEC. 4. DECLARATIONS OF POLICY.**

6 Congress—

7 (1) as stated in section 355 of the Foreign Re-  
8 lations Authorization Act, Fiscal Years 1992 and  
9 1993 (Public Law 102–138), reaffirms that Tibet  
10 including those Tibetan areas incorporated into the  
11 Chinese provinces of Sichuan, Yunnan, Gansu, and  
12 Qinghai is an occupied country under the established  
13 principles of international law;

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

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

21 (4) expresses concern over incidents of ill treat-  
22 ment of transitory Tibetans in border areas; and

23 (5) urges continued cooperation with the Office  
24 of the United Nations High Commissioner for Refu-  
25 gees in Kathmandu.

1 **SEC. 5. TIBET NEGOTIATIONS.**

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

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

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

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

1 **SEC. 6. REPORTING ON TIBET.**

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

11 **SEC. 7. UNITED STATES SPECIAL COORDINATOR FOR TI-**  
 12 **BETAN ISSUES.**

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

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

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

1 (d) DUTIES AND RESPONSIBILITIES.—The Special  
2 Coordinator shall—

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

5 (2) vigorously promote the policy of seeking to  
6 protect the distinct historical, religious, cultural, and  
7 linguistic identity of Tibet, and seeking improved re-  
8 spect for human rights;

9 (3) maintain close contact with religious, cul-  
10 tural, and political leaders of the Tibetan people, in-  
11 cluding regular travel to Tibetan areas of the Peo-  
12 ple's Republic of China, and to Tibetan refugee set-  
13 tlements in India and Nepal;

14 (4) consult with Congress on policies relevant to  
15 Tibet and the future and welfare of the Tibetan peo-  
16 ple;

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

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

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

24 Section 302(h) of the U.S.–China Relations Act of  
25 2000 (Public Law 106–286), relating to the Congres-

1 sional-Executive Commission on the People’s Republic of  
2 China, is amended—

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

5 “(1) specific information”; and

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

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

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

15 **SEC. 9. TIBETAN REFUGEES.**

16 (a) **MIGRATION AND REFUGEE ASSISTANCE.**—Of the  
17 amounts authorized to be appropriated for migration and  
18 refugee assistance programs for fiscal years 2002, 2003,  
19 and 2004, \$2,000,000 for each such fiscal year is author-  
20 ized to be available only for humanitarian assistance for  
21 Tibetan refugees.

22 (b) **EDUCATIONAL AND CULTURAL EXCHANGE PRO-**  
23 **GRAMS.**—Of the amounts authorized to be appropriated  
24 for educational and cultural exchange programs for fiscal  
25 years 2002, 2003, and 2004—

1           (1) \$500,000 for each such fiscal year is au-  
2           thorized to be available only for the Ngawang  
3           Choephel Tibetan scholarship program for Tibetans  
4           in exile; and

5           (2) \$250,000 for each such fiscal year is au-  
6           thorized to be available only for assistance to non-  
7           governmental organizations, such as the National  
8           Endowment for Democracy, for the purpose of pro-  
9           viding training and education in democracy activities  
10          for Tibetans and monitoring the human rights situa-  
11          tion in Tibet.

12 **SEC. 10. ECONOMIC DEVELOPMENT ON THE TIBETAN PLA-**  
13 **TEAU.**

14          (a) DECLARATIONS OF POLICY.—It is the policy of  
15          the United States to encourage and use the voice and vote  
16          of the United States to support projects proposed to be  
17          funded or otherwise supported by international financial  
18          institutions, other international organizations, and non-  
19          governmental organizations in Tibet that are designed to  
20          raise the standard of living for the Tibetan people and  
21          assist Tibetans to become self-sufficient, if the projects  
22          meet the principles contained in subsection (d).

23          (b) INTERNATIONAL FINANCIAL INSTITUTIONS.—  
24          The Secretary of the Treasury shall instruct the United  
25          States executive director of each international financial in-

stitution to encourage and use the voice and vote of the United States to support projects in Tibet proposed to be funded or otherwise supported by such international financial institutions, if the projects are consistent with 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 to support projects proposed to be funded or otherwise supported by such entities in Tibet, if the projects are consistent with 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;

1           (4) promote accountability of the development  
2           agencies to the Tibetan people and active participa-  
3           tion of Tibetans in all project stages;

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

7           (6) be subject to monitoring by the development  
8           agencies at all stages of the project by a local pres-  
9           ence to ensure that the intended target group bene-  
10          fits;

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

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

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

20 **SEC. 11. UNITED STATES-EUROPEAN INTERPARLIAMEN-**  
21 **TARIAN GROUP.**

22          It is the sense of Congress that the United States  
23          and European parliamentarians participating in the  
24          United States-European Interparliamentary Group should  
25          focus on issues related to advancing the dialogue between

1 the leadership of the People's Republic of China and the  
 2 Dalai Lama or his representatives in addition to their nor-  
 3 mal responsibilities.

4 **SEC. 12. RELEASE OF PRISONERS AND ACCESS TO PRIS-**  
 5 **ONS.**

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

9 (1) request the immediate and unconditional re-  
 10 lease of all those held prisoner for expressing their  
 11 political or religious views in Tibet;

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

16 (3) seek the immediate medical parole of  
 17 Ngawang Choephel and other Tibetan prisoners  
 18 known to be in serious ill health.

19 **SEC. 13. ESTABLISHMENT OF A UNITED STATES BRANCH**  
 20 **OFFICE IN LHASA, TIBET.**

21 The Secretary of State shall make best efforts to es-  
 22 tablish an office in Lhasa, Tibet, to monitor political, eco-  
 23 nomic, and cultural developments in Tibet.

1 **SEC. 14. SENSE OF CONGRESS.**

2       It is the sense of Congress that the United States  
3 will seek ways to support economic development, cultural  
4 preservation, health care, and education and environ-  
5 mental sustainability for Tibetans inside Tibet.

6 **SEC. 15. REQUIREMENT FOR TIBETAN LANGUAGE TRAIN-**  
7 **ING.**

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

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

15       It is the sense of Congress that—

16           (1) the United States Government should op-  
17 pose any efforts to prevent consideration of issues  
18 related to Tibet in any body of the United Nations;

19           (2) the United States Government should op-  
20 pose any efforts to prevent the participation of the  
21 Dalai Lama or any representative of the Dalai Lama  
22 in nongovernmental fora hosted by or otherwise or-  
23 ganized under the auspices of any body of the  
24 United Nations; and

25           (3) the Secretary of State should instruct the  
26 United States Permanent Representative to the

1 United Nations to support the appointment of a spe-  
 2 cial rapporteur or working group for Tibet for the  
 3 purposes of monitoring human rights violations in  
 4 Tibet, and for making reports available to the High  
 5 Commissioner for Refugees, High Commissioner for  
 6 Human Rights, Human Rights Commission, General  
 7 Assembly, and other United Nations bodies.

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

9 (a) HIGH-LEVEL CONTACTS.—Pursuant to section  
 10 105 of the International Religious Freedom Act of 1998,  
 11 the United States Ambassador to the People’s Republic  
 12 of China—

13 (1) shall seek to meet with the 11th Panchen  
 14 Lama, who was taken from his home on May 17,  
 15 1995, and otherwise ascertain information con-  
 16 cerning his whereabouts and well-being; and

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

21 (b) PROMOTION OF INCREASED ADVOCACY.—Pursu-  
 22 ant to section 108(a) of the International Religious Free-  
 23 dom Act of 1998, it is the sense of Congress that rep-  
 24 resentatives of the United States Government in ex-  
 25 changes with officials of the Government of the People’s

- 1 Republic of China should call for and otherwise promote
- 2 the cessation of all interference by the Government of the
- 3 People's Republic of China or Communist Party in the re-
- 4 ligious affairs of the Tibetan people.

