

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-

1 stitution to encourage and use the voice and vote of the
2 United States to support projects in Tibet proposed to be
3 funded or otherwise supported by such international finan-
4 cial institutions, if the projects are consistent with the
5 principles contained in subsection (d).

6 (c) EXPORT-IMPORT BANK, OPIC, AND TDA.—The
7 President shall direct the Export-Import Bank of the
8 United States, the Overseas Private Investment Corpora-
9 tion, and the Trade and Development Agency to support
10 projects proposed to be funded or otherwise supported by
11 such entities in Tibet, if the projects are consistent with
12 the principles contained in subsection (d).

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

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

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

23 (3) foster self-sufficiency and self-reliance of Ti-
24 betans;

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.

