

116TH CONGRESS
2^D SESSION

H. R. 4331

AN ACT

To modify and reauthorize the Tibetan Policy Act of 2002,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Tibetan Policy and
3 Support Act of 2019”.

4 **SEC. 2. MODIFICATIONS TO AND REAUTHORIZATION OF TI-**
5 **BETAN POLICY ACT OF 2002.**

6 (a) TIBETAN NEGOTIATIONS.—Section 613 of the Ti-
7 betan Policy Act of 2002 (22 U.S.C. 6901 note) is amend-
8 ed—

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

11 (i) by inserting “without pre-
12 conditions” after “a dialogue”;

13 (ii) by inserting “or democratically-
14 elected leaders of the Tibetan community”
15 after “his representatives”; and

16 (iii) by adding at the end before the
17 period the following: “and should coordi-
18 nate with other governments in multilat-
19 eral efforts toward this goal”;

20 (B) by redesignating paragraph (2) as
21 paragraph (3); and

22 (C) by inserting after paragraph (1) the
23 following:

24 “(2) POLICY COMMUNICATION.—The President
25 shall direct the Secretary of State to ensure that, in
26 accordance with this Act, United States policy on

1 Tibet, as coordinated by the United States Special
2 Coordinator for Tibetan Issues, is communicated to
3 all Federal departments and agencies in contact with
4 the Government of the People’s Republic of China.”;

5 (2) in subsection (b)—

6 (A) in the matter preceding paragraph

7 (1)—

8 (i) by striking “until December 31,

9 2021”; and

10 (ii) by inserting “and direct the De-
11 partment of State to make public on its
12 website” after “appropriate congressional
13 committees”;

14 (B) in paragraph (1), by striking “and” at
15 the end;

16 (C) in paragraph (2), by striking the pe-
17 riod at the end and inserting “; and” ; and

18 (D) by adding at the end the following:

19 “(3) the steps taken by the United States Gov-
20 ernment to promote the human rights and distinct
21 religious, cultural, linguistic, and historical identity
22 of the Tibetan people, including the right of the Ti-
23 betan people to select, educate, and venerate their
24 own religious leaders in accordance with their estab-
25 lished religious practice and system.”.

1 (b) TIBET PROJECT PRINCIPLES.—Section 616 of
2 such Act (22 U.S.C. 6901 note) is amended—

3 (1) in subsection (d), by striking paragraphs
4 (1) through (9) and inserting the following:

5 “(1) neither provide incentive for, nor facilitate
6 the migration and settlement of, non-Tibetans into
7 Tibet;

8 “(2) neither provide incentive for, nor facilitate
9 the transfer of ownership of, Tibetan land or natural
10 resources to non-Tibetans;

11 “(3) neither provide incentive for, nor facilitate
12 the involuntary or coerced relocation of, Tibetan no-
13 mads from their traditional pasture lands into con-
14 centrated settlements;

15 “(4) be implemented in consultation with the
16 Tibetan people and, as appropriate, after the con-
17 duct of cultural and environmental impact assess-
18 ments;

19 “(5) foster self-sufficiency and self-reliance of
20 Tibetans;

21 “(6) respect human rights and Tibetan culture
22 and traditions;

23 “(7) be subject to ongoing monitoring and eval-
24 uation; and

1 “(8) be conducted, as much as possible, in the
2 Tibetan language.”; and

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

4 “(e) UNITED STATES ASSISTANCE.—The President
5 shall provide funds to nongovernmental organizations to
6 support sustainable development, cultural and historical
7 preservation, health care, education, and environmental
8 sustainability projects for Tibetan communities in Tibet,
9 in accordance with the principles specified in subsection
10 (d) and with the concurrence of the United States Special
11 Coordinator for Tibetan Issues under section 621(d).”.

12 (c) DIPLOMATIC REPRESENTATION RELATING TO
13 TIBET.—Section 618 of such Act (22 U.S.C. 6901 note)
14 is amended to read as follows:

15 **“SEC. 618. DIPLOMATIC REPRESENTATION RELATING TO**
16 **TIBET.**

17 “(a) UNITED STATES CONSULATE IN LHASA,
18 TIBET.—The Secretary should seek to establish a United
19 States consulate in Lhasa, Tibet—

20 “(1) to provide consular services to United
21 States citizens traveling in Tibet; and

22 “(2) to monitor political, economic, and cultural
23 developments in Tibet.

24 “(b) POLICY.—The Secretary may not authorize the
25 establishment in the United States of any additional con-

1 sulate of the People’s Republic of China until such time
2 as a United States consulate in Lhasa, Tibet, is estab-
3 lished under subsection (a).”.

4 (d) RELIGIOUS PERSECUTION IN TIBET.—Section
5 620(b) of such Act (22 U.S.C. 6901 note) is amended by
6 adding at the end before the period the following: “, in-
7 cluding with respect to the reincarnation system of Ti-
8 betan Buddhism”.

9 (e) UNITED STATES SPECIAL COORDINATOR FOR TI-
10 BETAN ISSUES.—Section 621 of such Act (22 U.S.C. 6901
11 note) is amended—

12 (1) in subsection (c) to read as follows:

13 “(c) OBJECTIVES.—The objectives of the Special Co-
14 ordinator are to—

15 “(1) promote substantive dialogue without pre-
16 conditions between the Government of the People’s
17 Republic of China and the Dalai Lama or his rep-
18 resentatives or democratically-elected leaders of the
19 Tibetan community leading to a negotiated agree-
20 ment on Tibet and coordinate with other govern-
21 ments in multilateral efforts toward this goal;

22 “(2) encourage the Government of the People’s
23 Republic of China to address the aspirations of the
24 Tibetan people with regard to their distinct histor-
25 ical, cultural, religious, and linguistic identity;

1 “(3) promote the human rights of the Tibetan
2 people;

3 “(4) promote activities to preserve environment
4 and water resources of the Tibetan plateau;

5 “(5) encourage sustainable development in ac-
6 cordance with section 616(d), cultural and historical
7 preservation, health care, education, and environ-
8 mental sustainability projects for Tibetan commu-
9 nities in Tibet; and

10 “(6) promote access to Tibet in accordance with
11 the Reciprocal Access to Tibet Act of 2018 (Public
12 Law 115–330).”;

13 (2) in subsection (d)—

14 (A) in paragraph (5), by striking “and” at
15 the end;

16 (B) by redesignating paragraph (6) as
17 paragraph (8); and

18 (C) by inserting after paragraph (5) the
19 following:

20 “(6) provide concurrence with respect to all
21 projects carried out pursuant to assistance provided
22 under section 616(e);

23 “(7) seek to establish international diplomatic
24 coalitions to—

1 “(A) oppose any effort by the Government
2 of the People’s Republic of China to select, edu-
3 cate, and venerate Tibetan Buddhist religious
4 leaders in a manner inconsistent with Tibetan
5 Buddhism in which the succession or identifica-
6 tion of Tibetan Buddhist lamas, including the
7 Dalai Lama, should occur without interference,
8 in a manner consistent with Tibetan Buddhists’
9 beliefs; and

10 “(B) ensure that the identification and in-
11 stallation of Tibetan Buddhist religious leaders,
12 including any future Dalai Lama, is determined
13 solely within the Tibetan Buddhist faith com-
14 munity, in accordance with the universally-rec-
15 ognized right to religious freedom; and”;

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

17 “(e) PERSONNEL.—The Secretary shall ensure that
18 the Office of the Special Coordinator is adequately staffed
19 at all times to assist in the management of the responsibil-
20 ities of this section.”.

21 **SEC. 3. STATEMENT OF POLICY REGARDING THE SUCCES-**
22 **SION OR REINCARNATION OF THE DALAI**
23 **LAMA.**

24 (a) FINDINGS.—Congress finds the following:

1 (1) Notwithstanding that Tibetan Buddhism is
2 practiced in many countries including Bhutan, India,
3 Mongolia, Nepal, the People’s Republic of China, the
4 Russian Federation, and the United States, the Gov-
5 ernment of the People’s Republic of China has re-
6 peatedly insisted on its role in managing the selec-
7 tion of Tibet’s next spiritual leader, the Dalai Lama,
8 through actions such as those described in the
9 “Measures on the Management of the Reincarnation
10 of Living Buddhas” in 2007.

11 (2) On March 19, 2019, Chinese Ministry of
12 Affairs spokesperson reiterated that the “reincarna-
13 tion of living Buddhas including the Dalai Lama
14 must comply with Chinese laws and regulations and
15 follow religious rituals and historical conventions”.

16 (3) The Government of the People’s Republic of
17 China has interfered in the process of recognizing a
18 successor or reincarnation of Tibetan Buddhist lead-
19 ers, including in 1995 by arbitrarily detaining
20 Gedhun Choekyi Nyima, a 6-year old boy who was
21 identified as the 11th Panchen Lama, and pur-
22 porting to install its own candidate as the Panchen
23 Lama.

24 (4) The 14th Dalai Lama, Tenzin Gyatso,
25 issued a statement on September 24, 2011, explain-

1 ing the traditions and spiritual precepts of the selec-
2 tion of Dalai Lamas, setting forth his views on the
3 considerations and process for selecting his suc-
4 cessor, and providing a response to the Chinese gov-
5 ernment’s claims that only the Chinese government
6 has the ultimate authority in the selection process of
7 the Dalai Lama.

8 (5) The 14th Dalai Lama said in his statement
9 that the person who reincarnates has sole legitimate
10 authority over where and how he or she takes re-
11 birth and how that reincarnation is to be recognized
12 and if there is a need for a 15th Dalai Lama to be
13 recognized, then the responsibility shall primarily
14 rest with the officers of the Dalai Lama’s Gaden
15 Phodrang Trust, who will be informed by the written
16 instructions of the 14th Dalai Lama.

17 (6) Since 2011, the 14th Dalai Lama has reit-
18 erated publicly on numerous occasions that decisions
19 on the successions, emanations, or reincarnations of
20 the Dalai Lama belongs to the Tibetan Buddhist
21 faith community alone.

22 (7) On June 8, 2015, the United States House
23 of Representatives unanimously approved House
24 Resolution 337 which calls on the United States
25 Government to “underscore that government inter-

1 ference in the Tibetan reincarnation process is a vio-
2 lation of the internationally recognized right to reli-
3 gious freedom * * * and to highlight the fact that
4 other countries besides China have long Tibetan
5 Buddhist traditions and that matters related to rein-
6 carnations in Tibetan Buddhism are of keen interest
7 to Tibetan Buddhist populations worldwide”.

8 (8) On April 25, 2018, the United States Sen-
9 ate unanimously approved Senate Resolution 429
10 which “expresses its sense that the identification
11 and installation of Tibetan Buddhist religious lead-
12 ers, including a future 15th Dalai Lama, is a matter
13 that should be determined solely within the Tibetan
14 Buddhist faith community, in accordance with the
15 inalienable right to religious freedom”.

16 (9) The Department of State’s Report on Inter-
17 national Religious Freedom for 2018 reported on
18 policies and efforts of the Government of the Peo-
19 ple’s Republic of China to exert control over the se-
20 lection of Tibetan Buddhist religious leaders, includ-
21 ing reincarnate lamas, and stated that “U.S. offi-
22 cials underscored that decisions on the reincarnation
23 of the Dalai Lama should be made solely by faith
24 leaders.”.

1 (b) STATEMENT OF POLICY.—It is the policy of the
2 United States that—

3 (1) decisions regarding the selection, education,
4 and veneration of Tibetan Buddhist religious leaders
5 are exclusively spiritual matters that should be made
6 by the appropriate religious authorities within the
7 Tibetan Buddhist tradition and in the context of the
8 will of practitioners of Tibetan Buddhism;

9 (2) the wishes of the 14th Dalai Lama, includ-
10 ing any written instructions, should play a deter-
11 minative role in the selection, education, and veneration
12 of a future 15th Dalai Lama; and

13 (3) interference by the Government of the Peo-
14 ple’s Republic of China or any other government in
15 the process of recognizing a successor or reincarna-
16 tion of the 14th Dalai Lama and any future Dalai
17 Lamas would represent a clear violation of the fun-
18 damental religious freedoms of Tibetan Buddhists
19 and the Tibetan people.

20 (c) HOLDING CHINESE OFFICIALS RESPONSIBLE
21 FOR RELIGIOUS FREEDOM ABUSES TARGETING TIBETAN
22 BUDDHISTS.—It is the policy of the United States to con-
23 sider senior officials of the Government of the People’s
24 Republic of China who are responsible for, complicit in,
25 or have directly or indirectly engaged in the identification

1 or installation of a candidate chosen by China as the fu-
2 ture 15th Dalai Lama of Tibetan Buddhism to have com-
3 mitted—

4 (1) a gross violation of internationally recog-
5 nized human rights for purposes of imposing sanc-
6 tions with respect to such officials under the Global
7 Magnitsky Human Rights Accountability Act (22
8 U.S.C. 2656 note); and

9 (2) a particularly severe violation of religious
10 freedom for purposes of applying section
11 212(a)(2)(G) of the Immigration and Nationality
12 Act (8 U.S.C. 1182(a)(2)(G)) with respect to such
13 officials.

14 (d) DEPARTMENT OF STATE PROGRAMMING TO PRO-
15 MOTE RELIGIOUS FREEDOM FOR TIBETAN BUDDHISTS.—
16 Consistent with section 401 of the Frank R. Wolf Inter-
17 national Religious Freedom Act (Public Law 114–281;
18 130 Stat. 1436), of the funds available to the Department
19 of State for international religious freedom programs, the
20 Ambassador-at-Large for International Religious Freedom
21 should support efforts to protect and promote inter-
22 national religious freedom in China and for programs to
23 protect Tibetan Buddhism in China and elsewhere.

1 **SEC. 4. POLICY REGARDING THE ENVIRONMENT AND**
2 **WATER RESOURCES ON THE TIBETAN PLA-**
3 **TEAU.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The Tibetan Plateau contains glaciers, riv-
6 ers, grasslands, and other geographical and ecologi-
7 cal features that are crucial for supporting vegeta-
8 tion growth and biodiversity, regulating water flow
9 and supply for an estimated 1.8 billion people. Glob-
10 al warming threatens the glaciers in Tibet that feed
11 the major rivers of South and East Asia, which sup-
12 ply freshwater to an estimated 1.8 billion people.

13 (2) Rising global temperatures—especially in
14 the Tibetan Plateau where the average temperature
15 has increased at twice the global average—will result
16 in variable water flows in the future.

17 (3) The construction in Tibet of large hydro-
18 electric power dams intended to be used in part to
19 transmit power to Chinese provinces outside of
20 Tibet, as well as other infrastructure projects, in-
21 cluding the Sichuan-Tibet railroad, may also lead to
22 the resettlement of thousands of Tibetans and trans-
23 form the environment.

24 (4) The grasslands of Tibet play a significant
25 role in carbon production and sequestration and Ti-
26 bet's rivers support wetlands that play a key role in

1 water storage, water quality, and the regulation of
2 water flow, support biodiversity, foster vegetation
3 growth, and act as carbon sinks.

4 (5) Rising temperatures and intensifying evapo-
5 ration, can affect the water supply, cause
6 desertification, and destabilize infrastructure on the
7 Tibetan Plateau and beyond.

8 (6) Traditional Tibetan grassland stewardship
9 practices, which can be key to mitigating the nega-
10 tive effects of warming on the Tibetan Plateau, are
11 undermined by the resettlement of nomads from Ti-
12 betan grasslands.

13 (7) The People's Republic of China has ap-
14 proximately 20 percent of the world's population but
15 only around 7 percent of the world's water supply,
16 while many countries in South and Southeast Asia
17 rely on the rivers flowing from the Himalayas of the
18 Tibetan Plateau.

19 (8) The People's Republic of China has already
20 completed water transfer programs diverting billions
21 of cubic meters of water yearly and has plans to di-
22 vert more waters from the Tibetan plateau in China.

23 (b) WATER RESOURCES IN TIBET AND THE TIBETAN
24 WATERSHED.—The Secretary of State, in coordination

1 with relevant agencies of the United States Government,
2 should—

3 (1) pursue collaborative efforts with Chinese
4 and international scientific institutions, as appro-
5 priate, to monitor the environment on the Tibetan
6 Plateau, including glacial retreat, temperature rise,
7 and carbon levels, in order to promote a greater un-
8 derstanding of the effects on permafrost, river flows,
9 grasslands and desertification, and the monsoon
10 cycle;

11 (2) engage with the Government of the People’s
12 Republic of China, the Tibetan people, and non-
13 governmental organizations to encourage the partici-
14 pation of Tibetan nomads and other Tibetan stake-
15 holders in the development and implementation of
16 grassland management policies, in order to utilize
17 their indigenous experience in mitigation and stew-
18 ardsip of the land and to assess policies on the
19 forced resettlement of nomads; and

20 (3) encourage a regional framework on water
21 security, or use existing frameworks, such as the
22 Lower Mekong Initiative, to facilitate cooperative
23 agreements among all riparian nations that would
24 promote transparency, sharing of information, pollu-
25 tion regulation, and arrangements on impounding

1 and diversion of waters that originate on the Ti-
2 betan Plateau.

3 **SEC. 5. DEMOCRACY IN THE TIBETAN EXILE COMMUNITY.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The 14th Dalai Lama advocates the Middle
6 Way Approach, which seeks genuine autonomy for
7 the six million Tibetans in Tibet.

8 (2) The 14th Dalai Lama has overseen a proc-
9 ess of democratization within the Tibetan polity, be-
10 ginning in Tibet in the 1950s and continuing in exile
11 from the 1960s to the present and to address the
12 needs of the Tibetan people until such time as gen-
13 uine autonomy in Tibet is realized, the 14th Dalai
14 Lama devolved his political responsibilities to the
15 elected representatives of the Tibetan people in exile
16 in 2011.

17 (3) In 2011 and again in 2016, members of the
18 Tibetan exile community across some 30 countries
19 held elections to select political leaders to serve in
20 the Central Tibetan Administration parliament and
21 as chief executive, elections which were monitored by
22 international observers and assessed to be free and
23 fair.

24 (4) The Dalai Lama has said that the Central
25 Tibetan Administration will cease to exist once a ne-

1 gotiated settlement has been achieved that allows Ti-
2 betans to freely enjoy their culture, religion and lan-
3 guage in Tibet.

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

6 (1) Tibetan exile communities around the world
7 should be commended for the adoption of a system
8 of self-governance with democratic institutions to
9 choose their leaders;

10 (2) the Dalai Lama should be commended for
11 his decision to devolve political authority to elected
12 leaders in accordance with democratic principles;
13 and

14 (3) as consistent with section 621(d)(3) of the
15 Tibetan Policy Act of 2002 (22 U.S.C. 6901 note),
16 the United States Special Coordinator for Tibetan
17 Issues should continue to maintain close contact
18 with the religious, cultural, and political leaders of
19 the Tibetan people.

20 **SEC. 6. SUSTAINABILITY IN TIBETAN COMMUNITIES SEEK-**
21 **ING TO PRESERVE THEIR CULTURE, RELI-**
22 **GION, AND LANGUAGE.**

23 The Secretary of State should urge the Government
24 of Nepal to honor the Gentleman’s Agreement with the
25 United Nations High Commissioner for Refugees and to

1 provide legal documentation to long-staying Tibetan resi-
2 dents in Nepal who fled a credible threat of persecution
3 in Tibet in order to allow them to more fully participate
4 in the economy and society of Nepal.

5 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) OFFICE OF THE UNITED STATES SPECIAL COOR-
7 DINATOR FOR TIBETAN ISSUES.—There is authorized to
8 be appropriated \$1,000,000 for each of the fiscal years
9 2021 through 2025 for the Office of the United States
10 Special Coordinator for Tibetan Issues.

11 (b) TIBETAN SCHOLARSHIP PROGRAM AND
12 NGAWANG CHOEPHEL EXCHANGE PROGRAMS.—

13 (1) TIBETAN SCHOLARSHIP PROGRAM.—There
14 is authorized to be appropriated \$675,000 for each
15 of the fiscal years 2021 through 2025 to carry out
16 the Tibetan scholarship program established under
17 section 103(b)(1) of the Human Rights, Refugee,
18 and Other Foreign Relations Provisions Act of 1996
19 (Public Law 104–319; 22 U.S.C. 2151 note).

20 (2) NGAWANG CHOEPHEL EXCHANGE PRO-
21 GRAMS.—There is authorized to be appropriated
22 \$575,000 for each of the fiscal years 2021 through
23 2025 to carry out the “Ngwang Choepel Exchange
24 Programs” (formerly known as “programs of edu-
25 cational and cultural exchange between the United

1 States and the people of Tibet”) under section
2 103(a) of the Human Rights, Refugee, and Other
3 Foreign Relations Provisions Act of 1996.

4 (c) HUMANITARIAN ASSISTANCE AND SUPPORT TO
5 TIBETAN REFUGEES IN SOUTH ASIA.—Amounts author-
6 ized to be appropriated to carry out chapter 9 of part I
7 of the Foreign Assistance Act of 1961 and the Migration
8 and Refugee Assistance Act of 1962 for each of the fiscal
9 years 2021 through 2025 are authorized to be made avail-
10 able for humanitarian assistance, including food, medicine,
11 clothing, and medical and vocational training, for Tibetan
12 refugees in South Asia who have fled facing a credible
13 threat of persecution in the People’s Republic of China.

14 (d) TIBETAN AUTONOMOUS REGION AND TIBETAN
15 COMMUNITIES IN CHINA.—There is authorized to be ap-
16 propriated \$8,000,000 for each year of the fiscal years
17 2021 through 2025 under chapter 4 of part II of the For-
18 eign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to
19 support activities which preserve cultural traditions and
20 promote sustainable development, education, and environ-
21 mental conservation in Tibetan communities in the Tibet
22 Autonomous Region and in other Tibetan communities in
23 China.

24 (e) ASSISTANCE FOR TIBETANS IN INDIA AND
25 NEPAL.—There is authorized to be appropriated

1 \$6,000,000 for each of the fiscal years 2021 through 2025
2 under part I of the Foreign Assistance Act of 1961 (22
3 U.S.C. 2151 et seq.) for programs to promote and pre-
4 serve Tibetan culture and language development, and the
5 resilience of Tibetan communities in India and Nepal, and
6 to assist in the education and development of the next gen-
7 eration of Tibetan leaders from such communities.

8 (f) TIBETAN GOVERNANCE.—There is authorized to
9 be appropriated \$3,000,000 for each of the fiscal years
10 2021 through 2025 for programs to strengthen the capac-
11 ity of Tibetan institutions and strengthen democracy, gov-
12 ernance, information and international outreach, and re-
13 search.

14 (g) VOICE OF AMERICA AND RADIO FREE ASIA.—

15 (1) VOICE OF AMERICA.—There is authorized to
16 be appropriated \$3,344,000 for each of the fiscal
17 years 2021 through 2025 to Voice of America for
18 broadcasts described in paragraph (3).

19 (2) RADIO FREE ASIA.—There is authorized to
20 be appropriated \$4,060,000 for each of the fiscal
21 years 2021 through 2025 to Radio Free Asia for
22 broadcasts described in paragraph (3).

23 (3) BROADCASTS DESCRIBED.—Broadcasts de-
24 scribed in this paragraph are broadcasts to provide

1 uncensored news and information in the Tibetan lan-
2 guage to Tibetans, including Tibetans in Tibet.

3 **SEC. 8. DETERMINATION OF BUDGETARY EFFECTS.**

4 The budgetary effects of this Act, for the purpose of
5 complying with the Statutory Pay-As-You-Go Act of 2010,
6 shall be determined by reference to the latest statement
7 titled “Budgetary Effects of PAYGO Legislation” for this
8 Act, submitted for printing in the Congressional Record
9 by the Chairman of the House Budget Committee, pro-
10 vided that such statement has been submitted prior to the
11 vote on passage.

Passed the House of Representatives January 28,
2020.

Attest:

Clerk.

116TH CONGRESS
2^D SESSION

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To modify and reauthorize the Tibetan Policy Act
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