

116TH CONGRESS  
2D SESSION

# H. R. 4331

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IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2020

Received; read twice and referred to the Committee on Foreign Relations

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## 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 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

