Subtitle E—Tibetan Policy and Support Act of 2020

SEC. 341. MODIFICATIONS TO AND REAUTHORIZATION OF TIBETAN POLICY ACT OF 2020.

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “without preconditions” after “a dialogue”; 

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

(iii) by inserting before the period at the end the following: “and should coordinate with other governments in multilateral efforts toward this goal”; 

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

(C) by inserting after paragraph (1) the following new paragraph:

“(2) Policy Communication.—The Secretary of State shall ensure that, in accordance with this Act, United States policy on Tibet, as coordinated

December 21, 2020 (7:54 a.m.)
by the United States Special Coordinator for Tibetan Issues, is communicated to all Federal departments and agencies in contact with the Government of the People’s Republic of China.”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by striking “until December 31, 2021” and inserting “until December 31, 2031”; and

(ii) by inserting “and direct the Department of State to make public on its website” after “appropriate congressional committees”;

(B) in paragraph (1), by striking “; and” and inserting a semicolon;

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

(D) by adding at the end the following new paragraph:

“(3) the steps taken by the United States Government to promote the human rights and distinct religious, cultural, linguistic, and historical identity of the Tibetan people, including the right of the Tibetan people to select, educate, and venerate their
own religious leaders in accordance with their established religious practice and system.”.

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

(1) in subsection (d)—

(A) in paragraph (5), by inserting “human rights,” after “respect Tibetan”;

(B) in paragraph (8), by striking “; and” and inserting a semicolon;

(C) in paragraph (9)—

(i) by inserting “involuntary or coerced” after “nor facilitate the”; and

(ii) by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following new paragraph:

“(10) neither provide incentive for, nor facilitate the involuntary or coerced relocation of, Tibetan nomads from their traditional pasturelands into concentrated settlements.”;

(2) by adding at the end the following new subsections:

“(e) **UNITED STATES ASSISTANCE.**—

“(1) **IN GENERAL.**—The President is authorized to provide assistance to nongovernmental orga-
nizations to support inclusive economic growth, resilience, global health, education, environmental stewardship, and cultural and historical preservation for Tibetan communities in Tibet, in accordance with the principles specified in subsection (d).

“(2) COORDINATION.—Assistance authorized under paragraph (1) shall be carried out in coordination with the United States Special Coordinator for Tibetan Issues in accordance with section 621(d).

“(f) PRIVATE SECTOR INVESTMENT.—The Secretary of State, in coordination with the Secretary of Commerce, should—

“(1) encourage United States businesses and individuals that are engaged in commerce or investing in enterprises in Tibet to be guided by the principles specified in subsection (d) and the United Nations Guiding Principles on Business and Human Rights; and

“(2) hold regular consultations with businesses and individuals that are engaged in commerce or are investing in enterprises in Tibet about the principles referenced in paragraph (1) and the business practices of such businesses and individuals in Tibet.”.
DIPLOMATIC REPRESENTATION RELATING TO TIBET.—Section 618 of such Act (22 U.S.C. 6901 note) is amended to read as follows:

“SEC. 618. DIPLOMATIC REPRESENTATION RELATING TO TIBET.

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

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

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

“(b) POLICY.—The Secretary may not authorize the establishment in the United States of any additional consulate of the People’s Republic of China until such time as a United States consulate in Lhasa, Tibet, is established under subsection (a).

“(c) WAIVER.—The Secretary may waive the requirement under subsection (b), notwithstanding the lack of a United States consulate in Lhasa, not less than 30 days after the Secretary determines and reports to the appropriate congressional committees that it is in the national security interests of the United States to waive such requirements and submits to the appropriate congressional committees a report including—
“(1) a specific and detailed rationale for the determination that the waiver is in the national security interests of the United States; and

“(2) a description of the efforts by the Department of State to seek the establishment of a United States consulate in Lhasa.”.

(d) RELIGIOUS PERSECUTION IN TIBET.—Section 620(b) of such Act (22 U.S.C. 6901 note) is amended by inserting before the period at the end the following: “, including with respect to the reincarnation system of Tibetan Buddhism”.

(e) UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.—Section 621 of such Act (22 U.S.C. 6901 note) is amended—

(1) by amending subsection (c) to read as follows:

“(c) OBJECTIVES.—The objectives of the Special Coordinator are to—

“(1) promote substantive dialogue without preconditions, between the Government of the People’s Republic of China and the Dalai Lama, his or her representatives, or democratically elected leaders of the Tibetan community, or explore activities to improve prospects for dialogue, that leads to a negotiated agreement on Tibet;
“(2) coordinate with other governments in multilateral efforts towards the goal of a negotiated agreement on Tibet;

“(3) encourage the Government of the People’s Republic of China to address the aspirations of the Tibetan people with regard to their distinct historical, cultural, religious, and linguistic identity;

“(4) promote the human rights of the Tibetan people;

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

“(6) encourage that any initiatives or activities for Tibetan communities in the Tibet Autonomous Region are conducted in accordance with the principles espoused in section 616(d); and

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

(2) in subsection (d)—

(A) in paragraph (5), by striking “; and” and inserting a semicolon;

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

(C) by inserting after paragraph (5) the following new paragraphs:
“(6) provide guidance with respect to all projects carried out pursuant to assistance provided under section 616(e);

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

“(A) oppose any effort by the Government of the People’s Republic of China to select, educate, and venerate Tibetan Buddhist religious leaders in a manner inconsistent with the principle that the succession or identification of Tibetan Buddhist lamas, including the Dalai Lama, should occur without interference, in a manner consistent with traditional practice; and

“(B) ensure that the identification and installation of Tibetan Buddhist religious leaders, including any future Dalai Lama, is determined solely within the Tibetan Buddhist faith community, in accordance with the internationally-recognized right to religious freedom; and”; and

(3) by adding at the end the following new subsection:

“(e) PERSONNEL.—The Secretary shall ensure that the Office of the Special Coordinator is adequately staffed at all times to assist in the management of the responsibilities of this section.”.
SEC. 342. STATEMENT OF POLICY REGARDING THE SUCCESSION OR REINCARNATION OF THE DALAI LAMA.

(a) FINDINGS.—Congress finds the following:

(1) Tibetan Buddhism is practiced in many countries including Bhutan, India, Mongolia, Nepal, the People’s Republic of China, the Russian Federation, and the United States, yet the Government of the People’s Republic of China has repeatedly insisted on its role in managing the selection of Tibet’s next spiritual leader, the Dalai Lama, through actions such as those described in the “Measures on the Management of the Reincarnation of Living Buddhas” in 2007.

(2) On March 19, 2019, Chinese Ministry of Affairs spokesperson reiterated that the “reincarnation of living Buddhas including the Dalai Lama must comply with Chinese laws and regulations and follow religious rituals and historical conventions”.

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

(4) The 14th Dalai Lama, Tenzin Gyatso, issued a statement on September 24, 2011, explaining the traditions and spiritual precepts of the selection of Dalai Lamas, setting forth his views on the considerations and process for selecting his successor, and providing a response to the Chinese government’s claims that only the Chinese government has the ultimate authority in the selection process of the Dalai Lama.

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

(6) Since 2011, the 14th Dalai Lama has reiterated publicly on numerous occasions that decisions on the successions, emanations, or reincarnations of the Dalai Lama belongs to the Tibetan Buddhist faith community alone.
(7) On June 8, 2015, the United States House of Representatives unanimously approved House Resolution 337 which calls on the United States Government to “underscore that government interference in the Tibetan reincarnation process is a violation of the internationally recognized right to religious freedom . . . and to highlight the fact that other countries besides China have long Tibetan Buddhist traditions, and that matters related to reincarnations in Tibetan Buddhism are of keen interest to Tibetan Buddhist populations worldwide”.

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

(9) The Department of State’s Report on International Religious Freedom for 2018 reported on policies and efforts of the Government of the People’s Republic of China to exert control over the selection of Tibetan Buddhist religious leaders, including reincarnate lamas, and stated that “[United
States] officials underscored that decisions on the reincarnation of the Dalai Lama should be made solely by faith leaders.”.

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

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

(2) the wishes of the 14th Dalai Lama, including any written instructions, should play a key role in the selection, education, and veneration of a future 15th Dalai Lama; and

(3) interference by the Government of the People’s Republic of China or any other government in the process of recognizing a successor or reincarnation of the 14th Dalai Lama and any future Dalai Lamas would represent a clear abuse of the right to religious freedom of Tibetan Buddhists and the Tibetan people.

(e) **HOLDING CHINESE OFFICIALS RESPONSIBLE FOR RELIGIOUS FREEDOM ABUSES TARGETING TIBETAN BUDDHISTS.**—It is the policy of the United States to take
all appropriate measures to hold accountable senior officials of the Government of the People’s Republic of China or the Chinese Communist Party who directly interfere with the identification and installation of the future 15th Dalai Lama of Tibetan Buddhism, successor to the 14th Dalai Lama, including by—

(1) imposing sanctions pursuant to the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note); and

(2) prohibiting admission to the United States under section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)).

(d) DEPARTMENT OF STATE PROGRAMMING TO PROMOTE RELIGIOUS FREEDOM FOR TIBETAN BUDDHISTS.—Consistent with section 401 of the Frank R. Wolf International Religious Freedom Act (Public Law 114–281; 130 Stat. 1436), the Ambassador-at-Large for International Religious Freedom should support efforts to protect and promote international religious freedom in China and for programs to protect Tibetan Buddhism in China and elsewhere.

SEC. 343. POLICY REGARDING THE ENVIRONMENT AND WATER RESOURCES ON THE TIBETAN PLATEAU.

(a) FINDINGS.—Congress finds the following:
(1) The Tibetan Plateau contains glaciers, rivers, grasslands, and other geographical and ecological features that are crucial for supporting vegetation growth and biodiversity and regulating water flow and supply for an estimated 1,800,000,000 people. Environmental changes threaten the glaciers in Tibet that feed the major rivers of South and East Asia, which supply freshwater to an estimated 1,800,000,000 people.

(2) Several factors, including temperature changes, large government-backed infrastructure projects, and resettlement of Tibetan nomads, are likely to result in variable water flows in the future.

(3) The grasslands of Tibet play a significant role in carbon production and sequestration and Tibet’s rivers support wetlands that play a key role in water storage, water quality, and the regulation of water flow, support biodiversity, foster vegetation growth, and act as carbon sinks.

(4) Traditional Tibetan grassland stewardship practices, which can be key to mitigating the negative effects of environmental changes on the Tibetan Plateau, are undermined by the resettlement of nomads from Tibetan grasslands.
(5) The People’s Republic of China has approximately 20 percent of the world’s population but only around 7 percent of the world’s water supply, while many countries in South and Southeast Asia rely on the rivers flowing from the Himalayas of the Tibetan Plateau.

(6) The People’s Republic of China has already completed water transfer programs diverting billions of cubic meters of water yearly and has plans to divert more waters from the Tibetan plateau in China.

(b) WATER RESOURCES IN TIBET AND THE TIBETAN WATERSHED.—The Secretary of State, in coordination with relevant agencies of the United States Government, should—

(1) pursue collaborative efforts with Chinese and international scientific institutions, as appropriate, to monitor the environment on the Tibetan Plateau, including glacial retreat, temperature rise, and carbon levels, in order to promote a greater understanding of the effects on permafrost, river flows, grasslands and desertification, and the monsoon cycle;

(2) engage with the Government of the People’s Republic of China, the Tibetan people, and non-governmental organizations to encourage the partici-
pation of Tibetan nomads and other Tibetan stakeholders in the development and implementation of grassland management policies, in order to utilize their indigenous experience in mitigation and stewardship of the land and to assess policies on the forced resettlement of nomads; and

(3) encourage a regional framework on water security, or use existing frameworks, such as the Lower Mekong Initiative, to facilitate cooperative agreements among all riparian nations that would promote transparency, sharing of information, pollution regulation, and arrangements on impounding and diversion of waters that originate on the Tibetan Plateau.

SEC. 344. DEMOCRACY IN THE TIBETAN EXILE COMMUNITY.

(a) FINDINGS.—Congress finds the following:

(1) The 14th Dalai Lama advocates the Middle Way Approach, which seeks genuine autonomy for the 6,000,000 Tibetans in Tibet.

(2) The 14th Dalai Lama has overseen a process of democratization within the Tibetan polity and devolved his political responsibilities to the elected representatives of the Tibetan people in exile in 2011.
(3) In 2011 and again in 2016, members of the Tibetan exile community across some 30 countries held free and fair elections to select political leaders to serve in the Central Tibetan Administration parliament and as chief executive.

(4) The Dalai Lama has said that the Central Tibetan Administration will cease to exist once a negotiated settlement has been achieved that allows Tibetans to freely enjoy their culture, religion, and language in Tibet.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

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

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

(3) as of the date of the enactment of this Act, the Central Tibetan Administration is the institution that represents and reflects, to the greatest extent, the aspirations of the Tibetan diaspora around the world, and the Sikyong is the President of the Central Tibetan Administration; and
(4) as consistent with section 621(d)(3) of the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note), the United States Special Coordinator for Tibetan Issues should continue to maintain close contact with the religious, cultural, and political leaders of the Tibetan people.

SEC. 345. SUSTAINABILITY IN TIBETAN COMMUNITIES SEEKING TO PRESERVE THEIR CULTURE, RELIGION, AND LANGUAGE.

The Secretary of State should urge the Government of Nepal to honor the Gentleman’s Agreement with the United Nations High Commissioner for Refugees and the Government of India, which commits the Government of Nepal to respect the principle of non-refoulement by continuing to give Tibetan new arrivals access to the territory of Nepal and allowing them safe passage through Nepal to India.

SEC. 346. AUTHORIZATION OF APPROPRIATIONS.

(a) Office of the United States Special Coordinator for Tibetan Issues.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 2021 through 2025 for the Office of the United States Special Coordinator for Tibetan Issues.

(b) Tibetan Scholarship Program and Ngawang Choephel Exchange Programs.—
(1) **TIBETAN SCHOLARSHIP PROGRAM.**—There is authorized to be appropriated $675,000 for each of the fiscal years 2021 through 2025 to carry out the Tibetan scholarship program established under section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note).

(2) **NGAWANG CHOEPHEL EXCHANGE PROGRAMS.**—There is authorized to be appropriated $575,000 for each of the fiscal years 2021 through 2025 to carry out the “Ngawang Choephel Exchange Programs” (formerly known as “programs of educational and cultural exchange between the United States and the people of Tibet”) under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 110 Stat. 3865).

(c) **HUMANITARIAN ASSISTANCE AND SUPPORT TO TIBETAN REFUGEES IN SOUTH ASIA.**—Amounts authorized to be appropriated or otherwise made available to carry out chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292 et seq.) and the Migration and Refugee Assistance Act of 1962 (Public Law 87–510) for each of the fiscal years 2021 through 2025 are authorized to be made available for humanitarian assistance, in-
including food, medicine, clothing, and medical and vocational training, for Tibetan refugees in South Asia who have fled facing a credible threat of persecution in the People’s Republic of China.

(d) **Tibetan Autonomous Region and Tibetan Communities in China.**—There is authorized to be appropriated $8,000,000 for each year of the fiscal years 2021 through 2025 under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to support activities for Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China that are conducted in accordance with subsection 616(d) of the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note).

(e) **Assistance for Tibetans in India and Nepal.**—There is authorized to be appropriated $6,000,000 for each of the fiscal years 2021 through 2025 under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) for programs to promote and preserve Tibetan culture and language development, and the resilience of Tibetan communities in India and Nepal, and to assist in the education and development of the next generation of Tibetan leaders from such communities.
(f) TIBETAN GOVERNANCE.—There is authorized to be appropriated $3,000,000 for each of the fiscal years 2021 through 2025 under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) for programs to strengthen the capacity of Tibetan institutions and strengthen democracy, governance, information and international outreach, and research.

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

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

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

(3) BROADCASTS DESCRIBED.—Broadcasts described in this paragraph are broadcasts to provide uncensored news and information in the Tibetan language to Tibetans, including Tibetans in Tibet.