

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**S. 138**

To amend the Tibetan Policy Act of 2002 to modify certain provisions of that Act.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. CARDIN

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Promoting a Resolu-  
5 tion to the Tibet-China Dispute Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) It has been the long-standing policy of the  
9 United States to encourage meaningful and direct  
10 dialogue between representatives of the People’s Re-  
11 public of China and the Dalai Lama, his or her rep-  
12 resentatives, or democratically elected leaders of the

1 Tibetan community, without preconditions, to seek a  
2 settlement that resolves differences.

3 (2) Nine rounds of dialogue held between 2002  
4 and 2010 between the People's Republic of China  
5 authorities and the 14th Dalai Lama's representa-  
6 tives failed to produce a settlement that resolved dif-  
7 ferences, and the two sides have held no formal dia-  
8 logue since January 2010.

9 (3) An obstacle to further dialogue is that the  
10 Government of the People's Republic of China con-  
11 tinues to impose conditions on substantive dialogue  
12 with the Dalai Lama, including a demand that he  
13 say that Tibet has been part of China since ancient  
14 times, which the Dalai Lama has refused to do be-  
15 cause it is inaccurate.

16 (4) Article 1 of the International Covenant on  
17 Civil and Political Rights and Article 1 of the Inter-  
18 national Covenant on Economic, Social and Cultural  
19 Rights provide, "All peoples have the right of self-  
20 determination. By virtue of that right they freely de-  
21 termine their political status and freely pursue their  
22 economic, social and cultural development."

23 (5) The United States Government has never  
24 taken the position that Tibet was a part of China  
25 since ancient times.

1           (6) China signed the International Covenant on  
2 Civil and Political Rights on October 5, 1998, and  
3 ratified the International Covenant on Economic,  
4 Social and Cultural Rights on March 27, 2001.

5           (7) Under international law, including United  
6 Nations General Assembly Resolution 2625, the  
7 right to self-determination is the right of a people to  
8 determine its own destiny and the exercise of this  
9 right can result in a variety of outcomes ranging  
10 from independence, federation, protection, some  
11 form of autonomy, or full integration within a State.

12           (8) United Nations General Assembly Resolu-  
13 tion 1723, adopted on December 20, 1961, called for  
14 the “cessation of practices which deprive the Tibetan  
15 people of their fundamental human rights and free-  
16 doms, including their right to self-determination”.

17           (9) Secretary of State Antony Blinken, in a  
18 May 26, 2022, speech entitled “The Administra-  
19 tion’s Approach to the People’s Republic of China”,  
20 said that the rules-based international order’s  
21 “founding documents include the UN Charter and  
22 the Universal Declaration of Human Rights, which  
23 enshrined concepts like self-determination, sov-  
24 ereignty, the peaceful settlement of disputes. These

1 are not Western constructs. They are reflections of  
2 the world’s shared aspirations.”.

3 (10) The Tibetan Policy Act of 2002 (22  
4 U.S.C. 6901 note), as amended by the Tibetan Pol-  
5 icy and Support Act of 2020 (subtitle E of title III  
6 of division FF of Public Law 116–260), in directing  
7 the United States Government “to promote the  
8 human rights and distinct religious, cultural, lin-  
9 guistic, and historical identity of the Tibetan people”  
10 acknowledges that the Tibetan people possess a dis-  
11 tinct religious, cultural, linguistic, and historical  
12 identity.

13 (11) Department of State reports on human  
14 rights and religious freedom have consistently docu-  
15 mented systematic repression by the authorities of  
16 the People’s Republic of China against Tibetans as  
17 well as acts of defiance and resistance by Tibetan  
18 people against the People’s Republic of China poli-  
19 cies.

20 (12) The Tibetan Policy Act of 2002 (22  
21 U.S.C. 6901 note) specifies that the central objective  
22 of the United States Special Coordinator for Tibetan  
23 Issues is to promote substantive dialogue between  
24 the Government of the People’s Republic of China  
25 and the Dalai Lama, his or her representatives, or

1 democratically elected leaders of the Tibetan com-  
2 munity.

3 **SEC. 3. STATEMENT OF POLICY.**

4 It is the policy of the United States—

5 (1) that the Tibetan people are a people with a  
6 distinct religious, cultural, linguistic, and historical  
7 identity;

8 (2) that the dispute between Tibet and the Peo-  
9 ple’s Republic of China must be resolved in accord-  
10 ance with international law, including the United  
11 Nations Charter, by peaceful means, through dia-  
12 logue without preconditions;

13 (3) that the People’s Republic of China should  
14 cease its propagation of disinformation about the  
15 history of Tibet, the Tibetan people, and Tibetan in-  
16 stitutions, including that of the Dalai Lama;

17 (4) to encourage the People’s Republic of China  
18 to ratify the International Covenant on Civil and Po-  
19 litical Rights and uphold all its commitments under  
20 the International Covenant on Economic, Social and  
21 Cultural Rights; and

22 (5) in accordance with the Tibetan Policy and  
23 Support Act of 2020—

24 (A) to promote substantive dialogue with-  
25 out pre-conditions, between the Government of

1 the People’s Republic of China and the Dalai  
2 Lama, his or her representatives, or democrat-  
3 ically elected leaders of the Tibetan community,  
4 or explore activities to improve prospects for  
5 dialogue, that leads to a negotiated agreement  
6 on Tibet;

7 (B) to coordinate with other governments  
8 in multilateral efforts towards the goal of a ne-  
9 gotiated agreement on Tibet; and

10 (C) to encourage the Government of the  
11 People’s Republic of China to address the aspi-  
12 rations of the Tibetan people with regard to  
13 their distinct historical, cultural, religious, and  
14 linguistic identity.

15 **SEC. 4. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17 (1) claims made by officials of the People’s Re-  
18 public of China and the Chinese Communist Party  
19 that Tibet has been a part of China since ancient  
20 times are historically inaccurate;

21 (2) the current policies of the People’s Republic  
22 of China are systematically suppressing the ability of  
23 the Tibetan people to preserve their religion, culture,  
24 language, history, way of life, and environment;

1           (3) the Government of the People’s Republic of  
2           China is failing to meet the expectations of the  
3           United States to engage in meaningful dialogue with  
4           the Dalai Lama or his representatives or to reach a  
5           negotiated resolution that includes the aspirations of  
6           the Tibetan people; and

7           (4) United States public diplomacy efforts  
8           should counter disinformation about Tibet from the  
9           Government of the People’s Republic of China and  
10          the Chinese Communist Party, including  
11          disinformation about the history of Tibet, the Ti-  
12          betan people, and Tibetan institutions, including  
13          that of the Dalai Lama.

14 **SEC. 5. MODIFICATIONS TO THE TIBETAN POLICY ACT OF**  
15 **2002.**

16          (a) TIBET NEGOTIATIONS.—Section 613(b) of the  
17 Tibetan Policy Act of 2002 (22 U.S.C. 6901 note) is  
18 amended—

19           (1) in paragraph (2), by striking “; and” and  
20           inserting a semicolon;

21           (2) in paragraph (3), by striking the period at  
22           the end and inserting “; and”; and

23           (3) by adding at the end the following new  
24           paragraph:

1           “(4) efforts to counter disinformation about  
2           Tibet from the Government of the People’s Republic  
3           of China and the Chinese Communist Party, includ-  
4           ing disinformation about the history of Tibet, the  
5           Tibetan people, and Tibetan institutions, including  
6           that of the Dalai Lama.”.

7           (b) UNITED STATES SPECIAL COORDINATOR FOR TI-  
8           BETAN ISSUES.—Section 621(d) of the Tibetan Policy Act  
9           of 2002 (22 U.S.C. 6901 note) is amended—

10           (1) by redesignating paragraphs (6), (7), and  
11           (8) as paragraphs (7), (8), and (9), respectively; and

12           (2) by inserting after paragraph (5) the fol-  
13           lowing new paragraph:

14           “(6) work with relevant bureaus of the Depart-  
15           ment of State and the United States Agency for  
16           International Development to ensure that United  
17           States Government statements and documents  
18           counter, as appropriate, disinformation about Tibet  
19           from the Government of the People’s Republic of  
20           China and the Chinese Communist Party, including  
21           disinformation about the history of Tibet, the Ti-  
22           betan people, and Tibetan institutions, including  
23           that of the Dalai Lama;”.



1 (c) DEFINITION.—The Tibetan Policy Act of 2002  
2 (22 U.S.C. 6901 note) is amended by adding at the end  
3 the following new section:

4 **“SEC. 622. DEFINITION.**

5 “For purposes of this Act, the term ‘Tibet’ refers to  
6 the following areas:

7 “(1) The Tibet Autonomous Region.

8 “(2) The areas that the Government of the Peo-  
9 ple’s Republic of China designated as Tibetan Au-  
10 tonomous, as of 2018, as follows:

11 “(A) Kanlho (Gannan) Tibetan Autono-  
12 mous Prefecture, and Pari (Tianzhu) Tibetan  
13 Autonomous County located in Gansu Province.

14 “(B) Golog (Guoluo) Tibetan Autonomous  
15 Prefecture, Malho (Huangnan) Tibetan Autono-  
16 mous Prefecture, Tsojang (Haibei) Tibetan Au-  
17 tonomous Prefecture, Tsolho (Hainan) Tibetan  
18 Autonomous Prefecture, Tsonub (Haixi) Mon-  
19 golian and Tibetan Autonomous Prefecture, and  
20 Yulshul (Yushu) Tibetan Autonomous Prefec-  
21 ture, located in Qinghai Province.

22 “(C) Garze (Ganzi) Tibetan Autonomous  
23 Prefecture, Ngawa (Aba) Tibetan and Qiang  
24 Autonomous Prefecture, and Muli (Mili) Ti-

1           betan Autonomous County, located in Sichuan  
2           Province.

3                   “(D) Dechen (Diqing) Tibetan Autono-  
4           mous Prefecture, located in Yunnan Province.”.

5 **SEC. 6. AVAILABILITY OF AMOUNTS TO COUNTER**  
6                   **DISINFORMATION ABOUT TIBET.**

7           Amounts authorized to be appropriated or otherwise  
8           made available under section 346 of the Tibetan Policy  
9           and Support Act of 2020 (subtitle E of title III of division  
10          FF of Public Law 116–260) are authorized to be made  
11          available to counter disinformation about Tibet from the  
12          Government of the People’s Republic of China and the  
13          Chinese Communist Party, including disinformation about  
14          the history of Tibet, the Tibetan people, and Tibetan insti-  
15          tutions, including that of the Dalai Lama.