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# U.S. Assistance Programs in China

**Thomas Lum**

Specialist in Asian Affairs

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## Summary

This report examines U.S. foreign assistance activities in the People's Republic of China (PRC), undertaken by the U.S. Department of State and U.S. Agency for International Development (USAID). The report also discusses related foreign operations appropriations, policy history, and legislative background. International programs supported by U.S. departments and agencies other than the Department of State and USAID, as well as Department of State public diplomacy programs, are not covered in this report.

U.S. foreign assistance efforts in the PRC aim to promote human rights, democracy, and the rule of law; support sustainable livelihoods, cultural preservation, and environmental protection in Tibetan areas; and further U.S. interests through programs that address environmental problems and pandemic diseases in China. The U.S. Congress has played a leading role in determining program priorities and funding levels for these objectives. These programs constitute an important component of U.S. human rights policy toward China. Among major bilateral aid donors to China, the United States is the largest provider of nongovernmental and civil society programming, according to data compiled by the Organization for Economic Cooperation and Development.

In 2000, the act granting permanent normal trade relations (PNTR) treatment to China (P.L. 106-286) authorized programs to promote democracy in the PRC. Between 2001 and 2014, the U.S. government allocated \$390 million for Department of State and USAID foreign assistance efforts in the PRC, including Peace Corps programs. Of this total, \$320 million was devoted to human rights, democracy, and related activities; Tibetan communities; and the environment. The direct recipients of State Department and USAID grants have been predominantly U.S.-based nongovernmental organizations (NGOs) and universities. Chinese NGOs, universities, and some government entities have participated in or indirectly benefited from U.S. programs, or have collaborated with U.S. foreign aid grantees.

Appropriations for Department of State and USAID programs in China reached a peak in FY2010, totaling \$46.9 million. Funding decreased by nearly 40% between 2010 and 2012 and has remained at lower levels. Reduced appropriations have resulted in the discontinuation of a number of rule of law and environmental programs.

Some policy makers argue that the U.S. government should not support foreign assistance programs in China because the PRC has significant financial resources of its own and can manage its own development needs. Furthermore, they contend, some Chinese economic gains have been achieved through unfair trade practices. Other critics emphasize that U.S. democracy, rule of law, environmental, and related programs have had little effect in China. Some experts counter that U.S. programs in China aim to promote U.S. interests in areas where the PRC government has lacked the expertise or will to make greater progress. They argue that U.S. assistance activities in China have helped to develop protections of some rights, build foundations for civil society and the rule of law, and bolster reform-minded officials in the PRC government. Some proponents suggest that U.S. programs have nurtured relationships among governmental and nongovernmental actors and educational institutions in the United States and the PRC, which have helped to develop common understandings about democratic norms and principles. Other programs are said to have reduced environmental and health threats coming from China.

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## Overview

U.S. foreign assistance efforts in the People's Republic of China (PRC) primarily aim to promote human rights, democracy, and the rule of law; counter the spread of pandemic diseases; and support livelihoods, traditional culture, and environmental conservation in Tibetan areas. Congressionally mandated foreign assistance programs constitute an important component of U.S. human rights policy toward China, along with the U.S.-China Human Rights Dialogue, public diplomacy efforts, reporting on human rights conditions in the PRC, and multilateral diplomacy at the United Nations and elsewhere.<sup>1</sup> With the exception of some programs in Tibetan communities, U.S. programs in the PRC do not focus on development objectives such as economic growth, poverty reduction, basic health care and education, and governmental capacity, and U.S. funding is granted only to nongovernmental organizations (NGOs). The U.S. Agency for International Development (USAID) does not have an aid mission in China and administers PRC programs through its regional mission in Bangkok, Thailand. The Department of State refers to China "as a development partner with the resources to invest in its own future" and says it aims to "promote and protect U.S. national interests and values" through its foreign assistance programs in the PRC.<sup>2</sup>

Between 2001 and 2014, the U.S. government allocated \$390 million for the Department of State's foreign operations or aid programs in China,<sup>3</sup> of which \$320 million was devoted to human rights, democracy, rule of law, and related activities; Tibetan communities; and the environment. (See **Table 1**.) Program areas supported by U.S. assistance have included the following: civil liberties; government transparency and accountability; legal training and awareness; access to legal counsel; capacity building of nongovernmental organizations; criminal justice reform; labor rights; private sector competitiveness, job skills training, and support to traditional artisans in Tibetan areas of China; and the prevention, care, and treatment of HIV/AIDS. The direct recipients of State Department and USAID grants have been predominantly U.S.-based nongovernmental organizations and universities. Chinese NGOs, universities, and some government entities have participated in or indirectly benefited from U.S. programs or collaborated with U.S. foreign aid grantees. Chinese leaders long have been wary of domestic Chinese NGOs receiving foreign support, and, in recent years, PRC authorities reportedly have stepped up surveillance of Chinese NGOs that accept outside funding.<sup>4</sup>

In 2011, some Members of Congress reevaluated State Department programming in the PRC. As with foreign assistance levels overall, appropriations for China began to decline after peaking in FY2010. Congress eliminated funding through the Development Assistance account for several law programs run jointly through U.S. and PRC universities as well as a number of collaborative environmental programs in China. However, in 2014, Congress approved funding for U.S. institutions of higher education and NGOs for programs and activities in the PRC relating to democracy, rule of law, and the environment in China.<sup>5</sup>

<sup>1</sup> For further information on human rights conditions in China and related U.S. policy, see CRS Report R43000, *Human Rights in China and U.S. Policy: Issues for the 113<sup>th</sup> Congress*, by Thomas Lum. In 2014, Beijing reportedly suspended the U.S.-China Human Rights Dialogue in retaliation for President Obama's meeting with the Dalai Lama.

<sup>2</sup> U.S. Department of State, *Congressional Budget Justification for Foreign Operations, Fiscal Year 2015*.

<sup>3</sup> Including Peace Corps programs.

<sup>4</sup> Congressional-Executive Commission on China, *Annual Report 2014*, October 14, 2014.

<sup>5</sup> Consolidated Appropriations Act, 2014 (P.L. 113-76). See the Explanatory Statement, Division K, Department Of (continued...)

## Comparisons with Other Foreign Aid Providers

Based upon data from the Organization for Economic Cooperation and Development (OECD), multilateral and bilateral official development assistance (ODA) from all donors to China has fallen since 2008. In 2012, the most recent year for which numbers are available, the largest bilateral aid donors to China, ranked by the amount of ODA, were Germany, France, Japan, Austria, and the United States. Three-quarters of ODA from Germany and about one-quarter from France was provided in the form of concessional or low-interest loans. Japan, once a large provider of loan assistance, stopped extending such financing to China in 2008. In terms of ODA grants, in 2012, Germany, France, and Japan provided \$275 million, \$163 million, and \$137 million, respectively, for programs in China. Germany and France have supported numerous higher education and technical training programs for Chinese students, including the study of German at Germany's Goethe Institutes, and environmental projects in China. A relatively large portion of Japan's ODA to China aims to enhance government services and administration. The United States was the largest provider of support for "NGOs and civil society" programming among major aid donors.<sup>6</sup>

Some bilateral donors have begun to reduce assistance to China due to Beijing's ability to finance its own development and provide foreign aid to less developed countries. In 2011, the United Kingdom and Australia announced that they would begin phasing out their aid programs in China, and the European Union (EU) announced that it would cut ODA to 19 emerging economies, including China, India, and Brazil, beginning in 2014.<sup>7</sup> The EU reportedly funded aid projects and programs in China worth €128 million (\$166 million) in 2007-2010 and €224 million (\$291 million) in 2007-2013.<sup>8</sup> Program areas included the following: democracy and human rights; NGO co-financing; gender (women migrant workers); health; environmental programs; urban development; business cooperation; higher education; and information technology and communication.<sup>9</sup> EU assistance efforts in the PRC, particularly in the area of legal development, reportedly exceeded those of the United States in terms of funding, but placed greater emphasis on commercial rule of law. In October 2014, the European Commission launched a €980,550 (\$1.2 million) project to cooperate with PRC government entities in the prevention and management of nuclear accidents.<sup>10</sup>

OECD data include not only State Department and USAID funding—the U.S. "foreign assistance budget"—but also international programs carried out by other U.S. agencies. OECD data also include the National Endowment for Democracy, a private foundation that receives an annual congressional appropriation. Taken together, the U.S. government committed or obligated \$63.3 million for programs related to China in 2012, according to the OECD. In addition to the

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State, Foreign Operations, and Related Programs Appropriations Act, 2014.

<sup>6</sup> In terms of "committed funds." OECD, Creditor Reporting System, <http://stats.oecd.org/index.aspx?DataSetCode=CRS1>.

<sup>7</sup> "EU to Cut Aid to 19 Emerging Countries from China to Brazil," Agence France Presse, December 7, 2011.

<sup>8</sup> European Commission: External Cooperation Programs, [http://ec.europa.eu/europeaid/where/asia/country-cooperation/china/china\\_en.htm](http://ec.europa.eu/europeaid/where/asia/country-cooperation/china/china_en.htm). Based upon the Euro-U.S. Dollar conversion rate of €1 = \$1.3 in October 2012.

<sup>9</sup> European Union, *China Strategy Paper 2007-13*, January 1, 2013, [http://eeas.europa.eu/delegations/china/documents/eu\\_china/china\\_sp\\_en-final.pdf](http://eeas.europa.eu/delegations/china/documents/eu_china/china_sp_en-final.pdf).

<sup>10</sup> European Commission, Press Release, October 27, 2014.

Department of State and USAID, U.S. agencies with relatively significant assistance activities in China in 2012 included the Department of Energy (DOE), the Department of Health and Human Services (HHS), and the U.S. Trade and Development Agency (TDA). Major DOE efforts in China involved the safe use of nuclear power and the protection, control, and accounting of nuclear materials. HHS sponsored a number of programs to combat infectious diseases. TDA is an independent U.S. foreign assistance agency that is funded by Congress, whose mission is to promote the export of U.S. goods and services for development projects in emerging economies. In addition, the Departments of Commerce, Interior, Justice, and Transportation and the Environmental Protection Agency operated relatively small assistance programs in China in 2012.<sup>11</sup>

Some private entities also support the rule of law, human rights, civil society, and environmental conservation in China. For example, the Ford Foundation, which does not receive U.S. government support, is one of the leading providers of assistance to China in the areas of civil society and good governance. It offered grants worth \$275 million for programs in China between 1988 and 2011 and listed over 100 programs with total funding of \$25.5 million during 2012-2014.<sup>12</sup> Working with research institutes, civil society organizations, and government entities in China, Ford Foundation activities aim to promote civil society; transparent, effective, and accountable government; civil and criminal justice system reform; access to secondary and higher education; community involvement in natural resources policy; and awareness in the areas of sexuality and reproductive health.<sup>13</sup> Program activities include research on civil society; courses in citizen participation, governance, and social accountability for NGO facilitator trainers; legal aid and education; and training for villagers and local officials on rights under current laws and policies. Oxfam Hong Kong has been engaged in poverty alleviation, HIV/AIDS prevention and treatment, disaster relief, civil society development, and other efforts in mainland China since 1987. Oxfam reported that in 2013, the organization spent \$14.2 million on programs, in partnership with Chinese NGOs and government entities, related to labor conditions, education for migrant children, violence against women, and environmental protection.<sup>14</sup>

## Policy Debates

As with many other efforts to promote human rights, democracy, and the rule of law in China, some observers argue that U.S. assistance has not led to fundamental changes. They posit that foreign-funded rule of law, civil society, and related efforts in China have produced marginal results due in part to the Chinese Communist Party's rejection of many forms of institutional checks on state power. Inherent obstacles to reform, they assert, include the lack of judicial autonomy, restrictions on lawyers, weak enforcement of laws, and severe curbs on civil liberties and the ability of NGOs and Chinese citizens to perform social functions independently of state control. In addition, they say, the limited influence of China's judicial, legal, and civil society institutions, organizations, and actors significantly reduces their value as real agents for reform. Some human rights activists argue that some stakeholders involved in such efforts, in order to protect their programs, may refrain from supporting tougher U.S. diplomatic approaches toward

<sup>11</sup> OECD, Creditor Reporting System, *ibid*; USAID, "U.S. Overseas Loans and Grants," <http://gbk.eads.usaidallnet.gov/>.

<sup>12</sup> Ford Foundation Grants Database, <http://www.fordfoundation.org/grants/search>.

<sup>13</sup> <http://www.fordfoundation.org/pdfs/library/China-brochure-2011.pdf>.

<sup>14</sup> Oxfam Annual Report 2013/2014, <http://www.oxfam.org.hk/en/annualreport.aspx>.

China's violations of human rights and the rule of law. They suggest that U.S. assistance should focus on changing China's understanding of the rule of law rather than expanding existing programs.<sup>15</sup>

Other analysts contend that U.S. human rights and democracy programs in the PRC have helped to strengthen protections of some rights and build foundations for civil society and the rule of law. They refer to the role of U.S. programs in promoting greater rights protections for the accused, access to legal counsel, and professionalism among judicial and legal personnel; increasingly worldly and dynamic NGOs and social organizations; and a cadre of human rights activists and lawyers. Many observers note that awareness of legal rights among many segments of PRC society is growing. Some experts suggest that efforts to encourage incremental rather than fundamental change have bolstered reform-minded officials in the PRC government.<sup>16</sup>

The efforts of the U.S. government and private organizations, such as the Dui Hua Foundation, reportedly have helped to achieve some progress in the area of criminal justice in China in recent years.<sup>17</sup> Such advances include reductions in the use of torture and the death penalty and improvements in due process for many Chinese detainees. U.S. foreign assistance supports a Resident Legal Advisor, based at the U.S. Embassy in Beijing, to promote criminal justice reform (see below). John Kamm, the founder of Dui Hua, stated that international exchanges have played a key role in criminal justice reforms in China. He suggested that Beijing likely will continue to engage foreign legal experts in some areas of civil rights while eschewing international dialogues related to political rights and freedoms.<sup>18</sup>

## Reductions in U.S. Programming in China

During the 112<sup>th</sup> Congress, after a decade of bipartisan support for expanded programming, some Members advocated eliminating U.S. assistance activities in the PRC, with the exception of aid to Tibetans and some human rights and democracy programs.<sup>19</sup> In particular, some policy makers argued, China does not need or deserve U.S. assistance, due largely to its enormous trade surplus and foreign exchange reserves, allegedly unfair trade practices, and poor human rights record. Some proponents of U.S. programs in China responded that U.S. assistance does not provide support to the PRC government, U.S. programs benefit U.S. interests, and they operate in areas where the PRC government has lacked sufficient capacity or commitment.<sup>20</sup>

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<sup>15</sup> Interview with a representative of Human Rights Watch, December 2014; Paul Eckert, "U.S., China Set 2011 Rights Meeting in 'Candid' Talks," Reuters, May 14, 2010.

<sup>16</sup> William F. Schulz, "Strategic Persistence," Center for American Progress, January 2009; "Temple University Leaders Celebrate China Rule of Law Program's 15<sup>th</sup> Anniversary," November 20, 2014, <http://news.temple.edu/news/2014-11-20/temple-university-leaders-celebrate-china-rule-law-program-s-15th-anniversary>.

<sup>17</sup> The Dui Hua Foundation is a U.S.-based human rights organization that focuses on the treatment of prisoners as well as criminal justice and women's rights in China.

<sup>18</sup> John Kamm, Dui Hua Foundation, "China's Human Rights Diplomacy: Past, Present, Future," Center for Strategic and International Studies, March 28, 2014. See also U.S. Department of State, *Congressional Budget Justification for Foreign Operations, Fiscal Year 2015*.

<sup>19</sup> <http://webb.senate.gov/newsroom/pressreleases/2001-08-04.cfm>; <http://webb.senate.gov/newsroom/pressreleases/2001-08-04.cfm>.

<sup>20</sup> See Chairman Donald A. Manzullo, "Opening Statement," *Feeding the Dragon: Reevaluating U.S. Development Assistance to China*, Hearing before the Subcommittee on Asia and the Pacific of the Committee on Foreign Affairs, November 15, 2011; Jim Angle, "Senators Outraged U.S. Borrowing Big from China While Also Giving Aid," *Fox News.com*, October 24, 2011.

Some Members also opposed U.S. environmental programs in China, asserting that it is not the responsibility of the United States to help alleviate China's environmental problems. They argued that such assistance may unfairly bolster China's economy through the possible transfer of environmental and energy-saving technologies. Furthermore, they contended, China has been accused of not enforcing environmental regulations and of unfair trade in the clean energy sector.<sup>21</sup> However, some U.S. officials defended the programs, noting that air pollution from China has adversely impacted North American air and water, particularly on the U.S. West Coast. They asserted that USAID's environmental activities in China helped to mitigate this impact.<sup>22</sup>

## Congressional-Executive Commission on China: Policy Recommendations

The Congressional-Executive Commission on China (CECC) monitors human rights and the rule of law in China and submits an annual report with policy recommendations to the President and Congress.<sup>23</sup> While not directly commenting on U.S. assistance programs in China, the CECC's 2014 report supports U.S. engagement in areas where U.S. assistance programs have been active. It supports U.S. efforts in China related to rule of law, civil society, the environment, labor rights, women's rights, and the rights and economic opportunities of Tibetans and Uighurs. The report recommends U.S. programs, training, and technical assistance and international exchanges that promote the following:

- Legal aid centers;
- The rights of citizens seeking redress under the State Compensation Law;
- Criminal justice reform and the role of defense lawyers;
- International Labor Organization programs and the rights of migrant workers;
- Women's political participation; and
- Building the capacity of environmental, Tibetan, and Uighur NGOs.

In addition, the CECC report advocates "democracy promotion programs that are adapted to China"; partnerships between U.S. academic institutions and NGOs and their Chinese counterparts aimed at expanding public participation in political and policy decision-making; and expanded funding to bring Chinese human rights lawyers, advocates, and scholars to the United States for study and capacity building through such programs as the U.S. Department of State's International Visitors Leadership Program.<sup>24</sup>

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<sup>21</sup> *Feeding the Dragon: Reevaluating U.S. Development Assistance to China*, Hearing before the Subcommittee on Asia and the Pacific of the Committee on Foreign Affairs, November 15, 2011.

<sup>22</sup> Statement of Nisha Biswal, U.S. Agency for International Development, before the Subcommittee on Asia and the Pacific of the Committee on Foreign Affairs, November 15, 2011; U.S. Department of State, "U.S. Assistance to China (Taken Question)," Daily Press Briefing, November 4, 2011.

<sup>23</sup> In 2000, the legislation that granted permanent normal trade relations (PNTR) treatment to China (P.L. 106-286) created the Congressional-Executive Commission on China. The Commissioners are Members from both chambers of Congress and officials from the Executive branch.

<sup>24</sup> Congressional-Executive Commission on China, *Annual Report 2014*, op. cit.

## U.S. Assistance to China: History

Congress has played a direct role in determining the Administration's foreign assistance policies for China. Congress has initiated major programs in China and inserted special provisions or instructions in foreign operations appropriations legislation regarding U.S. assistance activities in the PRC. (See **Table 2**.) In 1999, Congress began approving funding for the purpose of fostering democracy in China. In 2000, the act granting permanent normal trade relations (PNTR) treatment to China (P.L. 106-286) authorized programs to promote rule of law and civil society in the PRC. The Consolidated Appropriations Act for FY2000 (P.L. 106-113) provided \$1 million for nongovernmental organizations located outside China to support activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan areas in China.<sup>25</sup> In 1997, President Bill Clinton and PRC President Jiang Zemin agreed upon a U.S.-China Rule of Law Initiative, though funding for the program was not appropriated until five years later. In 2002, Congress made available \$10 million from the Economic Support Fund (ESF) account for activities to support democracy, human rights, and rule of law in China, including up to \$3 million for Tibet.

In 2006, Congress set aside special Development Assistance account funds for American universities to engage in education and exchange programs related to democracy, rule of law, and the environment in China. These programs were largely phased out in 2012. The U.S. government began implementing HIV/AIDS programs in the PRC in 2007. Criminal justice and other programs conducted by the Resident Legal Advisor at the American Embassy in Beijing expanded in 2009.

## Legislative Restrictions on U.S. Assistance to China

The FY2001 foreign operations appropriations measure (P.L. 106-429) prohibited assistance to China and six other countries.<sup>26</sup> The FY2002 appropriations measure (P.L. 107-115) removed China from this list, and no longer stipulated that ESF account funds to NGOs for democracy programs in China only be provided to those located outside the PRC.<sup>27</sup> The Consolidated Appropriations Act for FY2003 (P.L. 108-7) no longer required that assistance to NGOs for Tibetan programs only be made available to those located outside China. Ongoing restrictions on U.S. foreign assistance in China and other relevant legislative provisions include the following:

- U.S. laws that can be invoked to deny foreign assistance on human rights grounds include Sections 116 and 502B (security assistance) of the Foreign Assistance Act of 1961 (P.L. 87-195).

<sup>25</sup> For a full list of U.S. government programs related to Tibet, see CRS Report R43781, *The Tibetan Policy Act of 2002: Background and Implementation*, op. cit.

<sup>26</sup> P.L. 106-429, §523 stipulated that the countries prohibited from receiving U.S. assistance or indirect funding were Cuba, Iraq, Libya, Iran, Syria, North Korea, and the People's Republic of China. P.L. 107-115, §523 stipulated that Cuba, Iraq, Libya, Iran, Syria, North Korea, and Sudan were prohibited from receiving U.S. assistance.

<sup>27</sup> See foreign operations appropriations acts, §523 ("Prohibition against Indirect Funding to Certain Countries") and §526 ("Democracy Programs").

- U.S. contributions to the United Nations Population Fund (UNFPA) may not be used for a country program in China.<sup>28</sup>
- Some U.S. sanctions in response to the Tiananmen military crackdown in 1989 remain in effect, including the requirement that U.S. representatives to international financial institutions vote “no” or abstain on loans to China (except for those that meet basic human needs).<sup>29</sup>
- U.S. representatives to international financial institutions may support projects in Tibet only if they do not encourage the migration and settlement of non-Tibetans into Tibet or the transfer of Tibetan-owned properties to non-Tibetans, which some fear may erode Tibetan culture and identity.<sup>30</sup>
- The Secretary of State and USAID Administrator may not provide assistance to the central government of the PRC under Global Health Programs, Development Assistance, and the Economic Support Fund, except for assistance to detect, prevent, and treat infectious diseases.<sup>31</sup>

## Programs and Funding Accounts

### Democracy Programs (Democracy Fund Account)

The Department of State’s Bureau of Democracy, Human Rights, and Labor (DRL) administers programs in China using Democracy Fund (DF) account appropriations. Funding levels have largely been determined by Congress. DRL aims to promote the rule of law, civil society, and citizen input in government decision making in the PRC.

DRL directly funds U.S.-based and international nongovernmental organizations and universities. Through the Bureau’s programs, U.S. and international nongovernmental entities engage Chinese NGOs; government-sponsored social organizations and institutions, such as women’s groups and universities; reformist or progressive government bodies; and legal and judicial institutions and

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<sup>28</sup> Consolidated Appropriations Act, 2014 (P.L. 113-76, §7063(c)). The “Kemp-Kasten” amendment, which has been included in annual foreign operations appropriations since FY1985, bans U.S. assistance to organizations that, as determined by the President, support or participate in the management of coercive family planning programs. Under Kemp-Kasten, Presidents Reagan, George H. W. Bush, and George W. Bush suspended contributions to the UNFPA due to concerns about coercive family planning practices in China. President Obama has supported U.S. contributions to the organization. For further information, see CRS Report RL33250, *U.S. International Family Planning Programs: Issues for Congress*, by Luisa Blanchfield.

<sup>29</sup> Pursuant to §902 of the Foreign Relations Authorization Act of 1990-91 and §710(a) of the International Financial Institutions Act.

<sup>30</sup> Consolidated Appropriations Act, 2014 (P.L. 113-76), Division K, §7043(f)(1). The Secretary of the Treasury should instruct the U.S. executive director of each international financial institution to use the voice and vote of the United States to support financing in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans, are based on a thorough needs-assessment, foster self-sufficiency of the Tibetan people and respect for Tibetan culture and traditions, and are subject to effective monitoring. See also the Tibetan Policy Act of 2002, Foreign Relations Authorization Act, FY2003 (P.L. 107-228), §616.

<sup>31</sup> P.L. 113-76, Consolidate Appropriations Act, 2014, Explanatory Statement, Division K, §7043.

individuals. Due to political sensitivities in China, DRL does not openly disclose the names of its grant recipients. Major DRL program areas in China include the following:<sup>32</sup>

- Rule of law: strengthen legal and judicial institutions and promote their independence; train legal and judicial professionals; increase public access to the justice system; promote criminal and civil law reform.<sup>33</sup>
- Civil society: develop the capacity of nongovernmental organizations, foundations, and charitable groups in fund-raising and NGO management.
- Citizen participation: promote public dialogue and input regarding the formation of policy.
- Labor: advance labor law, rights, and advocacy; develop collective bargaining mechanisms; strengthen migrant worker rights.
- Good governance: support government transparency and accountability.
- Civil liberties: promote freedom of expression, the press, and information; advance mass media development; support freedom of religion.

### National Endowment for Democracy

Established in 1983, the National Endowment for Democracy (NED) is a private, nonprofit foundation “dedicated to the growth and strengthening of democratic institutions around the world.”<sup>34</sup> Funded primarily by an annual congressional appropriation, NED has played an active role in promoting democracy and human rights in China since the mid-1980s. A grant-making institution, the Endowment has supported projects carried out by grantees that include its core institutes;<sup>35</sup> Chinese, Tibetan, and Uighur human rights and democracy groups based in the United States and Hong Kong; and a small number of NGOs based in mainland China. NED grants for China programs (including Tibet and Hong Kong) averaged roughly \$6.7 million per year between 2007 and 2013 and totaled \$7.2 million in 2014. This support was provided using NED’s regular Congressional appropriations (approximately \$135 million in FY2014), apart from some additional Congressionally directed funding.<sup>36</sup> Programs areas include civil society, defense of prisoners of conscience, freedom of expression, government transparency, Internet freedom, labor rights, promoting understanding of Tibetan, Uighur and other ethnic concerns in China, public interest law, public policy analysis and debate, religious freedom, and rural land rights.

## Tibet (Economic Support Fund Account)

Since 2000, Congress has made available ESF for sustainable development, environmental conservation, and cultural preservation in the Tibet Autonomous Region (TAR) and Tibetan communities in China. Nearly half of China’s ethnic Tibetans live in the TAR. Other Tibetan

<sup>32</sup> Interview with staff at the Department of State, Bureau of Democracy, Human Rights, and Labor, June 2010 and October 2014.

<sup>33</sup> Temple University received \$13 million in USAID grants and Democracy Fund support between 1999 and 2009 for its Master of Laws degree program in Beijing. Goldie Blumenstyk, “In China, Thinking Like an American Lawyer,” *The Chronicle of Higher Education*, February 20, 2009.

<sup>34</sup> <http://www.ned.org/about>.

<sup>35</sup> NED’s core institutes are: the International Republican Institute (IRI); the American Center for International Labor Solidarity (ACILS); the Center for International Private Enterprise (CIPE); and the National Democratic Institute for International Affairs (NDI).

<sup>36</sup> Congress provided directed funding out of the Democracy Fund to NED for programs in China between 2001 and 2007 and Tibetan areas between 2004 and 2009. Such funding supplemented resources available for China through NED’s regular budget.

areas include parts of the PRC provinces of Gansu, Qinghai, Sichuan, and Yunnan.<sup>37</sup> U.S. programs also aim to expand citizen involvement in local economic enterprises, development planning, and social services. Between 2002 and 2014, approximately \$62 million was appropriated for these purposes. As funding for U.S. assistance activities in China overall has declined in recent years, assistance for Tibetan programs as a proportion of total foreign operations appropriations for China has increased, from 16% in 2009 to 28% in 2014. Foreign operations appropriations legislation restricts assistance for Tibetan communities to nongovernmental organizations and prohibits U.S. support for multilateral projects that may erode Tibetan culture, identity, and economic influence.

## Economic Opportunity and Private Sector Competitiveness

USAID activities in Tibetan areas of China aim to strengthen the capacity of Tibetan communities, local organizations, and artisans to develop sustainable livelihoods. Assistance efforts aim to support agricultural and other income-generating activities; help strengthen small enterprises, business associations, and herder cooperatives; and improve access to markets. Educational programs include training in vocational, marketing, and management skills and scholarships for secondary education. ESF account funds also support health and hygiene awareness programs and services.

### U.S. NGOs in Tibet

In recent years, the primary grantees or implementing partners for USAID programs in the Tibet Autonomous Region (TAR) and Tibetan communities elsewhere in China have been the Bridge Fund (TBF), Winrock International, and the Poverty Alleviation Fund (TPAF). Unrest in Tibetan areas and government crackdowns on Tibetan religious and social activities have created a difficult environment for international NGOs in Tibetan areas, and their number reportedly has declined from nearly 50 to roughly 10 in the past several years. Growing restrictions affecting international NGOs and Chinese civil society organizations in Tibetan areas include those related to travel, the holding of large group activities such as seminars, and foreign funding.<sup>38</sup> The Bridge Fund has worked in the TAR and Tibetan communities outside the TAR since 1996. It continues to carry out programs and to support other nongovernmental activity in Tibetan areas, despite the deteriorating political environment in which such NGOs operate. TBF has implemented a five-year (2009-2014), \$10 million USAID program in Tibetan communities aimed at preserving cultural heritage and promoting sustainable economic development and environmental conservation.<sup>39</sup> Winrock International's five-year (2009-2014) TSERING (Tibetan Sustainable Environmental Resources for Increased Economic Growth) program has operated in Tibetan communities in four PRC provinces as well as the TAR. Project areas include job skills training; income-generating activities that are compatible with traditional lifestyles; environmentally sustainable small businesses; and digital technology to document, preserve, and transmit cultural practices and knowledge.<sup>40</sup> The Poverty Alleviation Fund (formerly the Tibet Poverty Alleviation Fund) has been working in Tibet since 1997. TPAF's programs in Tibetan communities in Yunnan Province have included microfinance, promoting local handicrafts, small enterprise development, agriculture and livestock, employable skills development, eco-tourism, and training in health, nutrition, and hygiene.<sup>41</sup>

<sup>37</sup> See CRS Report R43781, *The Tibetan Policy Act of 2002: Background and Implementation*, by Susan V. Lawrence.

<sup>38</sup> Interview with a representative of The Bridge Fund, November 2012.

<sup>39</sup> The Bridge Fund, Program for Sustainable Development and Livelihoods for Urban and Rural Ethnic Tibetans in China: FY13 Annual Report, October 15, 2013; The Bridge Fund: Donors, <http://bridgefund.org/about/donors/>.

<sup>40</sup> Winrock International, *Tibetan Sustainable Environmental Resources for Increased Economic Growth: Overview*, <http://www.winrock.org/project/tibetan-sustainable-environmental-resources-increased-economic-growth>.

<sup>41</sup> Tibet Poverty Alleviation Fund, <http://www.tpaf.org/services.html>.

## Cultural Preservation

USAID programs in Tibetan areas include the following cultural preservation efforts: promoting Tibetan language instruction; preserving culture, heritage, and art; and restoring historical sites and buildings. Cultural preservation areas include literature, scriptures, painting, music, dance, and oral traditions. The U.S. government and private funding support a Tibetan-language online digital library and network.<sup>42</sup>

## The Environment

Through partnerships with Tibetan communities, U.S. support helps to protect the environment through conservation, sustainable natural resource management, and the development of renewable energy alternatives. USAID programs aim to improve rangeland management and grassland rehabilitation, reduce deforestation, and protect wetlands. Other efforts include raising awareness about, conducting research on, and developing responses to climate change and its local effects.

## Global Health Programs (Global Health Programs Account)

Since 2007, the U.S. government, through the U.S. Centers for Disease Control and Prevention (CDC), has worked with U.S. NGOs to help address HIV/AIDS in regions of high incidence in China. U.S. assistance has supported prevention, care, and treatment efforts as well as programs for orphans and vulnerable children. Recipients of direct and indirect U.S. assistance also have included Chinese nongovernmental organizations, community-based groups, government-sponsored social organizations, provincial health bureaus, and clinics. USAID has collaborated with, but not provided assistance to, the China Centers for Disease Control and Prevention. U.S. public health efforts in China have expanded to respond to other public health threats, including outbreaks of influenza strains that experts believe have a likelihood of spreading to the United States, such as avian flu H7N9.<sup>43</sup>

## Criminal Law and Procedure (International Narcotics Control and Law Enforcement Account)

Since 2002, International Narcotics Control and Law Enforcement (INCLE) account funding has supported a Resident Legal Advisor (RLA), based in the U.S. Embassy in Beijing, to offer expertise on U.S. criminal law and procedure to PRC government officials, jurists, and academics, and to “promote long-term criminal justice reform in China.” Most of the RLA’s activities are conducted by the RLA alone or in cooperation with nongovernmental organizations. The RLA engages Chinese courts, prosecutors, legal scholars, and bar associations. Reform areas include pre-trial detention, the rights of defense lawyers, and judicial independence. Although many problems remain, in 2013, the PRC government reportedly began to implement amendments to the Criminal Procedure Law, which include more rigorous standards applied toward pre-trial detentions and capital convictions, safeguards against abusive interrogation

<sup>42</sup> The Tibetan and Himalayan Library, <http://www.thlib.org/>.

<sup>43</sup> U.S. Department of State, *Congressional Budget Justification for Foreign Operations, Fiscal Year 2014* and *Congressional Budget Justification for Foreign Operations, Fiscal Year 2015*.

practices, an expanded role and greater legal protections for defense lawyers, and greater access to legal counsel.<sup>44</sup>

## **Rule of Law and Environmental Programs (Development Assistance and Economic Support Fund Accounts)**

Between 2006 and 2011, Congress allocated Development Assistance (DA) account funds for rule of law and environmental efforts in China. Programs facilitated U.S. engagement with PRC bar associations; provided Chinese students with legal training; and strove to enhance the capacity of Chinese law colleges and judicial institutions, develop citizen awareness of the legal system, and strengthen laws that safeguard civil and women's rights.<sup>45</sup> USAID's criminal justice efforts included making trial procedures more open, supporting the adoption of a national law that would exclude illegally obtained evidence, and creating guidelines for defense lawyers in death penalty cases.<sup>46</sup> Administrative law programs promoted transparency and public participation in government. Other rule of law activities included expanding legal clinics and public defenders' offices and training PRC judicial officials on consumer protection and intellectual property.<sup>47</sup>

USAID administered several environmental programs in China during the same period, using DA account funds as well as private financing. The U.S.-China Partnership for Environmental Law helped to train environmental law professionals, advance reform in China's environmental law, and build capacity in environmental governance.<sup>48</sup> The U.S.-based Institute for Sustainable Communities and World Resources Institute implemented the Guangdong Environmental Partnership and the U.S.-China Partnership for Climate Action, which promoted energy efficiency, low greenhouse gas emissions, and health and safety policies in factories and power plants. Both programs received support from USAID, U.S. private corporations, U.S. and Chinese research institutions, and PRC communities and government agencies. USAID provided a grant to the Thailand-based Freeland Foundation for countering the trafficking of wildlife in China and elsewhere in Asia. Other USAID environmental efforts in China included supporting clean energy investment and development, promoting energy efficiency in commercial buildings, assisting in water and sanitation projects, raising standards in the production of fluorescent lamps, and combating illegal logging.<sup>49</sup>

In 2012, Congress phased out Development Assistance support for USAID rule of law programs in China, although DRL democracy programs continued. Congress also withdrew support for environmental programs in China, with the exception of those in Tibetan areas. Some rule of law programs formerly supported by Development Assistance account funds have continued using

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<sup>44</sup> U.S. Department of State, *Congressional Budget Justification for Foreign Operations, Fiscal Year 2015*; John Kamm, Dui Hua Foundation, op. cit.

<sup>45</sup> U.S. educational institutions participating in these programs included American University Washington College of Law, the University of Massachusetts, the University of the Pacific McGeorge School of Law, and Western Kentucky University. PRC partner universities included China University of Political Science and Law, South China University of Technology, and Zhejiang Gongshang University.

<sup>46</sup> Statement of Nisha Biswal, U.S. Agency for International Development, before the Subcommittee on Asia and the Pacific of the Committee on Foreign Affairs, November 15, 2011.

<sup>47</sup> USAID, Congressional Notification #147, August 14, 2012.

<sup>48</sup> Jointly administered by Vermont Law School and Sun Yat-sen University.

<sup>49</sup> U.S. Department of State, U.S. Agency for International Development, "China: U.S. Foreign Assistance Performance Publication, Fiscal Year, 2009."

ESF, albeit at decreased levels.<sup>50</sup> In 2014, rule of law and democracy programs in China operate in the following areas: raising legal and procedural rights awareness; increasing access to legal counsel; establishing legal clinics and public defenders' offices; training legal professionals; and enhancing government transparency and accountability. U.S. programs also aim to help U.S. businesses and consumers through improvements to intellectual property and consumer rights protections in China.<sup>51</sup>

## Other U.S. Programs and Assistance

### ASHA

The Office of American Schools and Hospitals Abroad (ASHA) of USAID's Bureau for Democracy, Conflict, and Humanitarian Assistance provides grants to private and nonprofit educational and medical institutions in foreign countries. The purposes of such assistance include fostering mutual understanding, introducing foreign countries to U.S. ideas and practices in education and medicine, and promoting civil society. ASHA began supporting projects in China in 1997, although it has no projects reported in 2014. ASHA helped to establish and has provided assistance to the Center for American Studies at Fudan University in Shanghai, has supported the Johns Hopkins-Nanjing University Center for Chinese and American Studies, and funded Project Hope efforts at Shanghai Children's Medical Center and Wuhan Nursing School.<sup>52</sup>

### Internet Freedom

Between 2008 and 2012, Congress appropriated approximately \$95 million for State Department and USAID global Internet freedom efforts. In 2013, the Administration reportedly awarded \$25 million to groups working to advance Internet freedom in the following areas: counter-censorship and secure communications technology; training in secure online and mobile communications practices; and policy research. The primary target countries for such efforts, particularly circumvention and secure communications programs, have been China and Iran.<sup>53</sup>

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<sup>50</sup> Consolidated Appropriations Act, 2014 (P.L. 113-76). See the Explanatory Statement, Division K, Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014.

<sup>51</sup> USAID, Congressional Notification #54, November 22, 2013; USAID, Congressional Notification #209, September 9, 2014. See also the Asia Foundation, *China*, <http://www.asiafoundation.org/resources/pdfs/China.pdf>

<sup>52</sup> *American Schools and Hospitals (ASHA) Annual Report 2012*; American Schools and Hospitals Abroad: "Where We Work," <http://map.usaid.gov/?l=regional&w=ASIA>.

<sup>53</sup> Bureau of Economic and Business Affairs, *Internet Freedom*, <http://www.state.gov/e/eb/cip/netfreedom/index.htm>. See also CRS Report R42601, *China, Internet Freedom, and U.S. Policy*, by Thomas Lum et al.

**Acronyms**

DA: Development Assistance

DF: Human Rights and Democracy Fund (Democracy Fund)

DRL: Bureau of Democracy, Human Rights and Labor

ESF: Economic Support Fund

GHCS: Global Health and Child Survival

GHP: Global Health Programs

INCLE: International Narcotics Control and Law Enforcement

NED: National Endowment for Democracy

NGO: Nongovernmental Organization

**Table I. U.S. Foreign Assistance Programs and Funding in China, FY2000-FY2015**

(thousands of current U.S. dollars)

Account (Program)	2000-02	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014 est.	2015 req.
GHCS/GHP	0	0	0	0	0	6,750	6,960	7,308	7,000	5,000	3,000	2,977	1,500	1,500
DA (rule of law, environment)	0	0	0	0	4,950	5,000	9,919	11,000	12,000	7,000	0	0	0	0
ESF (rule of law)	0	0	0	0	0	0	0	0	0	0	3,000	3,092	3,000	n/a
ESF/DF (democracy programs) <sup>a</sup>	11,000	15,000	13,500	19,000	20,000	20,000	15,000	17,000	17,000	17,000	11,000	10,000	10,000	n/a
ESF (Tibet)	0	0	3,976	4,216	3,960	3,960	4,960	7,300	7,400	5,000	7,500	7,032	7,000	4,500 <sup>b</sup>
INCLE (criminal justice)	0	0	0	0	0	0	0	600	800	800	800	823	800	825
Peace Corps <sup>c</sup>	4,292	977	863	1,476	1,683	1,748	1,980	2,057	2,718	2,900	3,000	3,200	2,500	2,900
Totals	15,292	17,980	20,343	26,697	30,593	37,458	38,819	45,265	46,918	37,000	28,300	27,124	24,800	—

**Sources:** U.S. Department of State Congressional Budget Justifications for foreign operations; Congressional foreign operations appropriations legislation.

- a. Administered by the Department of State, Bureau of Democracy, Human Rights, and Labor.
- b. The Administration requested \$5 million in FY2012 and \$4.5 million in FY2013 and FY2014 for Tibetan programs. Congress increased those amounts to \$7.5 million in FY2012 and \$7 million in FY2013 and FY2014.
- c. The Peace Corps has been involved in teaching English language and environmental awareness in China since 1993. See also *Peace Corps Congressional Budget Justification, Fiscal Year 2015*.

**Table 2. U.S. Foreign Operations Appropriations for China: Legislative History**  
(FY2000-FY2014)

<b>Fiscal Year</b>	<b>Legislation</b>	<b>Provisions</b>
2000	P.L. 106-113	Provided \$1 million from the ESF account to nongovernmental organizations based outside China to support activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in China, as well as \$1 million to the Robert F. Kennedy Memorial Center for Human Rights to support research about China; made available unspecified ESF account funds to NGOs located outside China that have as their primary purpose fostering democracy in the PRC, and for activities of NGOs located outside China to foster democracy in the PRC.
2001	P.L. 106-429	Made available up to \$2 million in ESF funds to NGOs located outside the PRC to support activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in China; amended Section 526 of P.L. 106-113 to strike “Robert F. Kennedy Memorial Center for Human Rights” and insert “Jamestown Foundation”; made available unspecified ESF account funds to NGOs located outside China that have as their primary purpose fostering democracy in the PRC, for activities of NGOs located outside China to foster the rule of law and democracy in the PRC, and to the National Endowment for Democracy (NED) or its grantees to foster democracy in China.
2002	P.L. 107-115	Provided \$10 million (ESF) for activities to support democracy, human rights, and the rule of law in China, of which up to \$3 million may be made available for NGOs located outside the PRC to support activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in Tibet.
2003	P.L. 108-7	Provided \$15 million (ESF) for programs related to democracy, human rights, and the rule of law in China and Hong Kong, of which up to \$3 million may be made available to support activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, and not less than \$3 million shall be made available to the National Endowment for Democracy for programs in China; continued the requirement that assistance for Tibetan communities be granted to NGOs, but lifted the stipulation that the NGOs be located outside China; made available ESF funds for Taiwan for the purposes of furthering political and legal reforms, to the extent that such funds are matched from sources other than the U.S. government. <sup>a</sup>
2004	P.L. 108-199	Provided \$13.5 million (ESF) for activities to support democracy, human rights, and the rule of law in China and Hong Kong, including \$3 million to NED; provided \$4 million in ESF funds to NGOs to support activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China; made available ESF funds for Taiwan for the purposes of furthering political and legal reforms, to the extent that such funds are matched from sources other than the U.S. government.

Fiscal Year	Legislation	Provisions
2005	P.L. 108-447	Provided \$19 million (ESF) for programs in China and Hong Kong that support democracy, human rights, and the rule of law, including \$4 million to NED; provided \$4 million in ESF funds to NGOs to support activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, and \$250,000 to NED for human rights and democracy programs related to Tibet; made available ESF funds for Taiwan for the purposes of furthering political and legal reforms, to the extent that such funds are matched from sources other than the U.S. government; made available Development Assistance account funds to American educational institutions to conduct programs and activities in China related to the environment, democracy, and the rule of law.
2006	P.L. 109-102 H.Rept. 109-265	Provided \$20 million out of the Democracy Fund (DF) for democracy-related programs in China and Hong Kong, including \$3 million to NED; provided \$4 million in ESF funds to NGOs to support activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, and \$250,000 to NED for human rights and democracy programs related to Tibet; made available DF account funds for Taiwan for the purposes of furthering political and legal reforms, to the extent that such funds are matched from sources other than the U.S. government; provided \$5 million in Development Assistance account funds to American educational institutions for environmental, democracy, and rule of law programs in the PRC.
2007	P.L. 110-5	Because of the late enactment of the Continuing Appropriations Resolution for FY2007, funding levels for many U.S. foreign aid programs for the year were not specified, but continued at or near FY2006 levels.
2008	P.L. 110-161	Provided \$15 million (DF) for democracy and rule of law programs in China and Hong Kong; provided \$5 million in ESF funds to NGOs to support activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, and \$250,000 to NED for human rights and democracy programs related to Tibet; made available DF account funds for Taiwan for the purposes of furthering political and legal reforms, to the extent that such funds are matched from sources other than the U.S. government; provided \$10 million in Development Assistance account funds to U.S. educational institutions and NGOs for environmental, democracy, and rule of law programs in the PRC.
2009	P.L. 111-8	Provided \$17 million (DF) for the promotion of democracy in China, Hong Kong, and Taiwan; any assistance to Taiwan is to be matched from sources other than the U.S. government; provided \$7.3 million in ESF funds to NGOs to support activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, and \$250,000 to NED for programs in Tibetan communities; provided \$11 million in Development Assistance account funds to U.S. educational institutions and NGOs for programs and activities in the PRC related to the environment, governance, and the rule of law.
2010	P.L. 111-117 H.Rept. 111-366	Provided \$17 million (DF) for the promotion of democracy in China, Hong Kong, and Taiwan; any assistance to Taiwan is to be matched from sources other than the U.S. government; provided \$7.4 million in ESF funds to NGOs to support activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China; provided \$12 million in Development Assistance account funds to U.S. educational institutions and NGOs for programs and activities in the PRC related to the environment, governance, and the rule of law.
2011	P.L. 112-10	The Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10) did not specify funding amounts for foreign assistance programs in China.

Fiscal Year	Legislation	Provisions
2012	P.L. 112-74 H.Rept. 112-331 S.Rept. 112-85	The conferees recommended \$12 million from the ESF account to U.S. institutions of higher education and NGOs for democracy, governance, rule of law, and environmental programs in the PRC; <sup>b</sup> approved \$7.5 million in ESF funds to NGOs for activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.
2013	P.L. 113-6	Under the Consolidated and Further Continuing Appropriations Act, 2013, most Department of State foreign operations accounts continued at the same levels as FY2012.
2014	P.L. 113-76, Division K  Explanatory Statement, Division K	Provided \$15 million in ESF funds for U.S. institutions of higher education and NGOs for programs and activities related to democracy, rule of law, and the environment in China; provided \$7.9 million to NGOs to support activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

**Source:** Annual State Foreign Operations and Related Agencies appropriations legislation.

**Notes:** Not all directed appropriations for China were obligated fully or obligated during the year in which they were allocated.

- a. The U.S. government provided \$450,000 and \$922,000 in FY2006 and FY2010, respectively, for programs to strengthen Hong Kong political parties. Since 2003, U.S. funds also were made available to Taiwan for the purposes of furthering political and legal reforms, if matching funds were provided. To date, Taiwan has not received U.S. assistance for such purposes.
- b. The conference report (H.Rept. 112-331) referred to training for citizens, lawyers, and businesses on key issues, including criminal justice, occupational safety, and environmental protection.

## Author Contact Information

Thomas Lum  
Specialist in Asian Affairs  
tlum@crs.loc.gov, 7-7616