

(Pub. L. 95-242, title VI, §602, Mar. 10, 1978, 92 Stat. 151; Pub. L. 99-661, div. A, title XIII, §1370, Nov. 14, 1986, 100 Stat. 4004; Pub. L. 103-437, §9(a)(8), Nov. 2, 1994, 108 Stat. 4588; Pub. L. 105-277, div. G, subdiv. A, title XII, §1225(e)(6), Oct. 21, 1998, 112 Stat. 2681-775; Pub. L. 106-113, div. B, §1000(a)(7), [div. B, title XI, §1131], Nov. 29, 1999, 113 Stat. 1536, 1501A-492.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c)(1)(A) and (d), was in the original “this Act”, meaning Pub. L. 95-242, Mar. 10, 1978, 92 Stat. 120, known as the Nuclear Non-Proliferation Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 3201 of this title and Tables.

CODIFICATION

Subsec. (e) directed that, three years after Mar. 10, 1978, the Comptroller General complete a study and report to Congress on the implementation and impact of this chapter on the nuclear non-proliferation policies, purposes, and objectives of this chapter, with such recommendations as deemed necessary to support the nuclear non-proliferation policies, purposes, and objectives of this chapter.

AMENDMENTS

1999—Subsec. (c). Pub. L. 106-113 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The Department of State, the Department of Defense, the Department of Commerce, the Department of Energy, and the Commission shall keep the Committees on Foreign Relations and Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to their activities to carry out the purposes and policies of this chapter and to otherwise prevent proliferation, and with respect to the current activities of foreign nations which are of significance from the proliferation standpoint.”

1998—Subsec. (c). Pub. L. 105-277, §1225(e)(6)(A), struck out “the Arms Control and Disarmament Agency,” after “the Department of Defense,”.

Subsec. (e). Pub. L. 105-277, §1225(e)(6)(B), struck out “and the Director” after “and the Commission” in subsec. (e), which had previously been omitted from the Code. See Codification note above.

1994—Subsecs. (c), (d). Pub. L. 103-437 substituted “Foreign Affairs” for “International Relations”.

1986—Subsec. (c). Pub. L. 99-661, §1370(1), inserted “the Department of Defense.”.

Subsec. (f). Pub. L. 99-661, §1370(2), added subsec. (f).

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

EFFECTIVE DATE

Section effective Mar. 10, 1978, except as otherwise provided and regardless of any requirements for the promulgation of implementing regulations, see section 603(c) of Pub. L. 95-242, set out as a note under section 3201 of this title.

PROVISION OF CERTAIN INFORMATION TO CONGRESS

Pub. L. 106-113, div. B, §1000(a)(7) [div. B, title XI, §1134], Nov. 29, 1999, 113 Stat. 1536, 1501A-494, provided that:

“(a) REQUIREMENT TO PROVIDE INFORMATION.—The head of each department and agency described in section 602(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3282(c)) shall promptly provide information to the chairman and ranking minority member of the Committee on Foreign Relations of the Senate and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives in meeting the requirements of subsection (c) or (d) of section 602 of such Act [22 U.S.C. 3282(c), (d)].

“(b) ISSUANCE OF DIRECTIVES.—Not later than February 1, 2000, the Secretary of State, the Secretary of Defense, the Secretary of Commerce, the Secretary of Energy, the Director of Central Intelligence, and the Chairman of the Nuclear Regulatory Commission shall issue directives, which shall provide access to information, including information contained in special access programs, to implement their responsibilities under subsections (c) and (d) of section 602 of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3282(c) and (d)). Copies of such directives shall be forwarded promptly to the Committee on Foreign Relations of the Senate and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives upon the issuance of the directives.”

CHAPTER 48—TAIWAN RELATIONS

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§ 3301. Congressional findings and declaration of policy

(a) Findings

The President having terminated governmental relations between the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, the Congress finds that the enactment of this chapter is necessary—

- (1) to help maintain peace, security, and stability in the Western Pacific; and
- (2) to promote the foreign policy of the United States by authorizing the continuation

of commercial, cultural, and other relations between the people of the United States and the people on Taiwan.

(b) Policy

It is the policy of the United States—

(1) to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area;

(2) to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern;

(3) to make clear that the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;

(4) to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States;

(5) to provide Taiwan with arms of a defensive character; and

(6) to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

(c) Human rights

Nothing contained in this chapter shall contravene the interest of the United States in human rights, especially with respect to the human rights of all the approximately eighteen million inhabitants of Taiwan. The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.

(Pub. L. 96-8, §2, Apr. 10, 1979, 93 Stat. 14.)

EFFECTIVE DATE

Pub. L. 96-8, §18, Apr. 10, 1979, 93 Stat. 21, provided that: "This Act [enacting this chapter] shall be effective as of January 1, 1979."

SHORT TITLE

Pub. L. 96-8, §1, Apr. 10, 1979, 93 Stat. 14, provided that: "This Act [enacting this chapter] may be cited as the 'Taiwan Relations Act'."

COMMITMENT TO TAIWAN

Pub. L. 115-409, title II, §209, Dec. 31, 2018, 132 Stat. 5398, provided that:

"(a) UNITED STATES COMMITMENT TO TAIWAN.—It is the policy of the United States—

"(1) to support the close economic, political, and security relationship between Taiwan and the United States;

"(2) to faithfully enforce all existing United States Government commitments to Taiwan, consistent with the Taiwan Relations Act of 1979 (Public Law 96-8) [22 U.S.C. 3301 et seq.], the 3 joint communiques, and the Six Assurances agreed to by President Ronald Reagan in July 1982; and

"(3) to counter efforts to change the status quo and to support peaceful resolution acceptable to both sides of the Taiwan Strait.

"(b) ARMS SALES TO TAIWAN.—The President should conduct regular transfers of defense articles to Taiwan

that are tailored to meet the existing and likely future threats from the People's Republic of China, including supporting the efforts of Taiwan to develop and integrate asymmetric capabilities, as appropriate, including mobile, survivable, and cost-effective capabilities, into its military forces.

"(c) TRAVEL.—The President should encourage the travel of highlevel [sic] United States officials to Taiwan, in accordance with the Taiwan Travel Act (Public Law 115-135) [132 Stat. 341]."

[Nothing in section 209 of Pub. L. 115-409, set out above, to be construed as authorizing the use of military force, see section 412 of Pub. L. 115-409, set out as a note under section 2656 of this title.]

STRENGTHENING THE DEFENSE PARTNERSHIP BETWEEN THE UNITED STATES AND TAIWAN

Pub. L. 115-91, div. A, title XII, §1259, Dec. 12, 2017, 131 Stat. 1685, provided that:

"(a) STATEMENT OF POLICY.—It is the policy of the United States to reinforce its commitments to Taiwan under the Taiwan Relations Act [Pub. L. 96-8, 22 U.S.C. 3301 et seq.] and consistent with the 'Six Assurances' as both governments work to improve Taiwan's self-defense capability.

"(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

"(1) strengthen and enhance its longstanding partnership and cooperation with Taiwan;

"(2) conduct regular transfers of defense articles and defense services necessary to enable Taiwan to maintain a sufficient self-defense capability, based solely on the needs of Taiwan;

"(3) invite the military forces of Taiwan to participate in military exercises, such as the 'Red Flag' exercises;

"(4) carry out a program of exchanges of senior military officers and senior officials with Taiwan to improve military-to-military relations, as expressed in section 1284 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2544);

"(5) support expanded exchanges focused on practical training for Taiwan personnel by and with United States military units, including exchanges among services;

"(6) conduct bilateral naval exercises, to include pre-sail conferences, in the western Pacific Ocean with the Taiwan navy; and

"(7) consider the advisability and feasibility of re-establishing port of call exchanges between the United States navy and the Taiwan navy."

EXECUTIVE ORDER NO. 12143

Ex. Ord. No. 12143, June 22, 1979, 44 F.R. 37191, which provided for facilitation of the maintenance of commercial, cultural, and other relations between the peoples of the United States and Taiwan, was superseded by Ex. Ord. No. 13014, Aug. 15, 1996, 61 F.R. 42963, set out below.

EX. ORD. NO. 13014. MAINTAINING UNOFFICIAL RELATIONS WITH THE PEOPLE ON TAIWAN

Ex. Ord. No. 13014, Aug. 15, 1996, 61 F.R. 42963, provided:

In light of the recognition of the People's Republic of China by the United States of America as the sole legal government of China, and by the authority vested in me as President of the United States of America by the Taiwan Relations Act (Public Law 96-8, 22 U.S.C. 3301 et seq.) ("Act"), and section 301 of title 3, United States Code, in order to facilitate the maintenance of commercial, cultural, and other relations between the people of the United States and the people on Taiwan without official representation or diplomatic relations, it is hereby ordered as follows:

SECTION 1. *Delegation and Reservation of Functions.*

1-101. Exclusive of the functions otherwise delegated, or reserved to the President by this order, there are

delegated to the Secretary of State ("Secretary") all functions conferred upon the President by the Act, including the authority under section 7(a) of the Act [22 U.S.C. 3306(a)] to specify which laws of the United States relative to the provision of consular services may be administered by employees of the American Institute on Taiwan ("Institute"). In carrying out these functions, the Secretary may redelegate his authority, and shall consult with other departments and agencies as he deems appropriate.

1-102. There are delegated to the Director of the Office of Personnel Management the functions conferred upon the President by paragraphs (1) and (2) of section 11(a) of the Act [22 U.S.C. 3310(a)]. These functions shall be exercised in consultation with the Secretary.

1-103. There are reserved to the President the functions conferred upon the President by section 3 [22 U.S.C. 3302], the second sentence of section 9(b) [22 U.S.C. 3308(b)], and the determinations specified in section 10(a) of the Act [22 U.S.C. 3309(a)].

SEC. 2. Specification of Laws and Determinations.

2-201. Pursuant to section 9(b) of the Act [22 U.S.C. 3308(b)], and in furtherance of the purposes of the Act, the procurement of services may be effected by the Institute without regard to the following provisions of law and limitations of authority as they may be amended from time to time:

(a) Sections 1301(d) and 1341 of title 31, United States Code, and section 3732 of the Revised Statutes (41 U.S.C. 11) to the extent necessary to permit the indemnification of contractors against unusually hazardous risks, as defined in Institute contracts, consistent, to the extent practicable, with section 52.228-7 of the Federal Acquisition Regulations;

(b) Section 3324 of title 31, United States Code;

(c) Sections 3709, 3710, and 3735 of the Revised Statutes, as amended (41 U.S.C. 5, 8, and 13);

(d) Section 2 of title III of the Act of March 3, 1933 (41 U.S.C. 10a);

(e) Title III of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 251-260);

(f) The Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613);

(g) Chapter 137 of title 10, United States Code (10 U.S.C. 2301-2316);

(h) The Act of May 11, 1954 (the "Anti-Wunderlich Act") (41 U.S.C. 321, 322); and

(i) Section (f) of 41 U.S.C. 423.

2-202. (a) With respect to cost-type contracts with the Institute under which no fee is charged or paid, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract and irrespective of rights that may have accrued under the contractor [contract] the amendments or modifications thereof.

(b) With respect to contracts heretofore or hereafter made under the Act, other than those described in subsection (a) of this section, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights that may have accrued under the contract or the amendments or modifications thereof, if the Secretary determines in each case that such action is necessary to protect the foreign policy interests of the United States.

2-203. Pursuant to section 10(a) of the Act [22 U.S.C. 3309(a)], the Taipei Economic and Cultural Representative Office in the United States ("TECRO"), formerly the Coordination Council for North America Affairs ("CCNAA"), is determined to be the instrumentality established by the people on Taiwan having the necessary authority under the laws applied by the people

on Taiwan to provide assurances and take other actions on behalf of Taiwan in accordance with the Act. Nothing contained in this determination or order shall affect, or be construed to affect, the continued validity of agreements, contracts, or other undertakings, of whatever kind or nature, entered into previously by CCNAA.

SEC. 3. President's Memorandum of December 30, 1978.

3-301. Agreements and arrangements referred to in paragraph (B) of President Carter's memorandum of December 30, 1978, entitled "Relations With the People on Taiwan" (44 FR 1075) shall, unless otherwise terminated or modified in accordance with law, continue in force and be performed in accordance with the Act and this order.

SEC. 4. General. This order supersedes Executive Order No. 12143 of June 22, 1979.

WILLIAM J. CLINTON.

§ 3302. Implementation of United States policy with regard to Taiwan

(a) Defense articles and services

In furtherance of the policy set forth in section 3301 of this title, the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

(b) Determination of Taiwan's defense needs

The President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with procedures established by law. Such determination of Taiwan's defense needs shall include review by United States military authorities in connection with recommendations to the President and the Congress.

(c) United States response to threats to Taiwan or dangers to United States interests

The President is directed to inform the Congress promptly of any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom. The President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger.

(Pub. L. 96-8, § 3, Apr. 10, 1979, 93 Stat. 15.)

EFFECTIVE DATE

Section effective as of January 1, 1979, see section 18 of Pub. L. 96-8, set out as a note under section 3301 of this title.

NORMALIZING THE TRANSFER OF DEFENSE ARTICLES AND DEFENSE SERVICES TO TAIWAN

Pub. L. 115-91, div. A, title XII, § 1259A, Dec. 12, 2017, 131 Stat. 1685, provided that:

"(a) SENSE OF CONGRESS.—It is the sense of Congress that any requests from the Government of Taiwan for defense articles and defense services should receive a case-by-case review by the Secretary of Defense, in consultation with the Secretary of State, that is consistent with the standard processes and procedures in an effort to normalize the arms sales process with Taiwan.

"(b) REPORT.—

"(1) IN GENERAL.—Not later than 120 days after the date on which the Secretary of Defense receives a Letter of Request from Taiwan with respect to the transfer of a defense article or defense service to Tai-