

# THE TAIWAN RELATIONS ACT OF 2013

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## MARKUP

BEFORE THE  
SUBCOMMITTEE ON ASIA AND THE PACIFIC  
OF THE

COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

ON

**H.R. 419**

APRIL 25, 2013

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## **THE TAIWAN RELATIONS ACT OF 2013**

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**THURSDAY, APRIL 25, 2013**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON ASIA AND THE PACIFIC,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:05 p.m., in room 2255, Rayburn House Office Building, Hon. Steve Chabot (chairman of the subcommittee) presiding.

Mr. CHABOT. The subcommittee will come to order.

Pursuant to notice, I call up H.R. 419, the Taiwan Policy Act of 2013, for purposes of markup and move its recommendation to the full committee.

Without objection, the bipartisan amendment in the nature of a substitute provided to all members earlier this week will be the base text and is considered as read and open for amendment at any point.

[H.R. 419 and the amendment in the nature of a substitute follow:]

113TH CONGRESS  
1ST SESSION

# H. R. 419

To strengthen and clarify the commercial, cultural, and other relations between the people of the United States and the people of Taiwan, as codified in the Taiwan Relations Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2013

Ms. ROS-LEHTINEN (for herself, Mr. SIRES, Mr. DIAZ-BALART, Mr. CONNOLLY, and Mr. CARTER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To strengthen and clarify the commercial, cultural, and other relations between the people of the United States and the people of Taiwan, as codified in the Taiwan Relations Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Taiwan Policy Act of  
5 2013”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Taiwan Relations Act (Public Law 96–  
4 8; 22 U.S.C. 3301 et seq.), enacted in 1979, has  
5 continued for 34 years to be the cornerstone of  
6 United States–Taiwan relations and has served as  
7 an anchor for peace and security in the Western Pa-  
8 cific region.

9 (2) The Taiwan Relations Act, in furthering the  
10 national interests of the United States in the West-  
11 ern Pacific region, has mandated that the United  
12 States will make available to Taiwan such defense  
13 articles and defense services in such quantity as may  
14 be necessary to enable Taiwan to maintain a suffi-  
15 cient self-defense capability, thus allowing the people  
16 of Taiwan to preserve a peaceful, democratic, and  
17 prosperous way of life.

18 (3) The future of Taiwan must be determined  
19 in a peaceful manner and with the assent of the peo-  
20 ple of Taiwan.

21 (4) The Taiwan Relations Act declares that—

22 (A) peace and stability in the Western Pa-  
23 cific area are in the political, security, and eco-  
24 nomic interests of the United States, and are  
25 matters of international concern;

1           (B) the United States decision to establish  
2           diplomatic relations with the People's Republic  
3           of China rests upon the expectation that the fu-  
4           ture of Taiwan will be determined by peaceful  
5           means;

6           (C) the United States considers any effort  
7           to determine the future of Taiwan by other  
8           than peaceful means, including by boycotts or  
9           embargoes, a threat to the peace and security  
10          of the Western Pacific area and of grave con-  
11          cern to the United States;

12          (D) the United States will maintain the ca-  
13          pacity to resist any resort to force or other  
14          forms of coercion that would jeopardize the se-  
15          curity, or the social or economic system, of the  
16          people on Taiwan; and

17          (E) the preservation and enhancement of  
18          the human rights of all the people on Taiwan  
19          are reaffirmed as objectives of the United  
20          States.

21          (5) In recent years United States–Taiwan rela-  
22          tions have suffered from inattention and lack of  
23          strategic vision, thereby requiring the Congress to  
24          both clarify United States policy toward Taiwan and



1 enhance its oversight role in the implementation of  
2 the Taiwan Relations Act.

3 (6) In its China Military Power Report for  
4 2012, Taiwan's Ministry of National Defense  
5 (MND) estimated that more than 1,600 ballistic and  
6 cruise missiles are now being aimed at Taiwan by  
7 the Second Artillery Corps of the People's Republic  
8 of China and other experts suggest that this number  
9 could increase to 1,800 in the near future.

10 (7) The anti-secession law, passed by the Na-  
11 tional People's Congress of the People's Republic of  
12 China, was found by House Concurrent Resolution  
13 98, passed in the House of Representatives on  
14 March 16, 2005, by a vote of 424-4, "to create a  
15 legal framework for possible use of force against  
16 Taiwan" and "to provide a legal justification for the  
17 use of force against Taiwan, altering the status quo  
18 in the region, and thus is of grave concern to the  
19 United States."

20 (8) The legislative requirement to make avail-  
21 able defense articles and defense services should in-  
22 clude the provision of new F-16 C/D aircraft and  
23 upgrades of existing F-16 A/B aircraft essential to  
24 Taiwan's security.

1           (9) The 2012 Department of Defense’s Annual  
2 Report to Congress on Military and Security Devel-  
3 opments Involving the People’s Republic of China  
4 noted that “preparing for contingencies in the Tai-  
5 wan Strait remains the principal focus and driver of  
6 much of China’s military investment. In this context,  
7 over the past year, the [People’s Liberation Army]  
8 continued to build the capabilities and develop the  
9 doctrine it considers necessary to deter Taiwan from  
10 declaring independence; to deter, delay, and deny ef-  
11 fective U.S. intervention in a potential cross-Strait  
12 conflict; and to defeat Taiwan forces in the event of  
13 hostilities.”.

14           (10) The language contained in the Joint  
15 Communiqué of the United States of America and  
16 the People’s Republic of China, dated August 17,  
17 1982, which states in part that “arms sales to Tai-  
18 wan will not exceed, either in qualitative or in quan-  
19 titative terms, the level of those supplied in recent  
20 years” shall not, to any degree, diminish the respon-  
21 sibility of the United States, as legislatively man-  
22 dated in the Taiwan Relations Act, to “make avail-  
23 able to Taiwan such defense articles and defense  
24 services in such quantity as may be necessary to en-

1 able Taiwan to maintain a sufficient self-defense ca-  
2 pability.”.

3 (11) The United States has sought diplomati-  
4 cally to preserve Taiwan’s international space, de-  
5 spite outside pressure and coercion, and has sought  
6 to secure Taiwan’s meaningful participation in such  
7 international organizations as the World Health Or-  
8 ganization (WHO).

9 (12) Given the critical importance of airport se-  
10 curity in a post-September 11th international envi-  
11 ronment, the United States recognizes it is crucial  
12 for Taiwan to be admitted to meaningful participa-  
13 tion in the International Civil Aviation Organization  
14 (ICAO) so that Taiwan may contribute to the suc-  
15 cess of a global strategy to address aviation security  
16 threats based on effective international cooperation.

17 (13) Recognizing that the Taiwan Relations Act  
18 stated that it is the policy of the United States “to  
19 preserve and promote extensive, close, and friendly  
20 commercial, cultural, and other relations between  
21 the people of the United States and the people on  
22 Taiwan” the Secretary of Homeland Security an-  
23 nounced on October 2, 2012, “the designation of  
24 Taiwan into the Visa Waiver Program (VWP)” with

1 eligible Taiwan passport holders able to travel on the  
2 VWP beginning November 1, 2012.

3 (14) The conclusion of the Economic Coopera-  
4 tion Framework Agreement (ECFA) between Tai-  
5 wan and the People's Republic of China in June  
6 2010 or the adoption of any other cross-Strait eco-  
7 nomic measures shall not diminish in any degree the  
8 requirement contained in the Act to "maintain the  
9 capacity of the United States to resist any resort to  
10 force or other forms of coercion that would jeop-  
11 ardize the security, or the social or economic system,  
12 of the people on Taiwan."

13 (15) The theory recently put forward in certain  
14 academic circles that the United States should ac-  
15 quiesce to China's ascendancy in Asia and put aside  
16 the commitments made in the Taiwan Relations Act  
17 is based upon a false premise that ignores the exam-  
18 ple of a democratic Taiwan, the historic ties of  
19 friendship of the peoples of the United States and  
20 Taiwan, and the determination of the United States  
21 to remain as a Pacific power.

22 (16) Total United States-Taiwan trade in 2011  
23 was \$67,200,000,000 and Taiwan was the 10th  
24 largest United States trading partner and the 6th

1 largest market for United States agricultural ex-  
2 ports.

3 (17) It is in the economic interests of the  
4 United States and the national security interests of  
5 Taiwan for the peoples of the United States and  
6 Taiwan to further strengthen and revitalize their  
7 trade and investment ties, including through an ex-  
8 panded Trans-Pacific Partnership (TPP) Agreement  
9 or similar mechanism.

10 **SEC. 3. RULE OF CONSTRUCTION.**

11 Nothing in this Act shall be construed to amend or  
12 supersede the Taiwan Relations Act.

13 **TITLE I—POLITICAL RELATIONS**

14 **SEC. 101. RELATIONS WITH THE PEOPLE OF TAIWAN.**

15 The following shall be the policies of the United  
16 States:

17 (1) Supporting Taiwan, Taiwan's democracy,  
18 and the human rights of its people.

19 (2) As noted in the Taiwan Relations Act, "the  
20 absence of diplomatic relations or recognition shall  
21 not affect the application of the laws of the United  
22 States with respect to Taiwan, and the laws of the  
23 United States shall apply with respect to Taiwan in  
24 the manner that the laws of the United States ap-

1     plied with respect to Taiwan prior to January 1,  
2     1979.”.

3             (3) The United States Government shall respect  
4     the right of the Taipei Economic and Cultural Rep-  
5     resentative Office (TECRO) to display its flag on its  
6     premises and the American Institute in Taiwan  
7     (AIT) and the residence of its Director in Taipei  
8     shall, correspondingly, publicly display the United  
9     States flag in the same manner as United States  
10    embassies, consulates, and official residences  
11    throughout the world.

12            (4) The Taipei Economic and Cultural Rep-  
13    resentative Office and all other instrumentalities es-  
14    tablished by Taiwan, including the Twin Oaks Es-  
15    tate, may conduct official business activities, includ-  
16    ing activities which involve participation by Members  
17    of the United States Congress and other representa-  
18    tives of the Federal, State, and local governments,  
19    without any impediment from the United States  
20    Government or any foreign power.

21 **SEC. 102. VISITS BY CABINET LEVEL OFFICIALS.**

22     (a) FINDINGS.—Congress finds the following:

23             (1) Visits by United States cabinet officials and  
24     other high-ranking visitors are an indicator of the

1 breadth and depth of ties between the United States  
2 and Taiwan.

3 (2) In December 1992, United States Trade  
4 Representative Carla Hills visited Taiwan, marking  
5 the first cabinet-level visit since 1979.

6 (3) Over the next 8 years the Administrator of  
7 the Small Business Administration, the Secretary of  
8 Energy, and 2 Secretaries of Transportation visited  
9 Taiwan.

10 (4) No United States cabinet secretary has vis-  
11 ited Taiwan since July 2000.

12 (5) In March 2008, candidate Barack Obama  
13 wrote in a message congratulating Ma Ying-jeou on  
14 his election victory that “[t]he U.S. should reopen  
15 blocked channels of communication with Taiwan of-  
16 ficials”, however no Cabinet-level visits to Taiwan  
17 have yet taken place.

18 (b) POLICY OF THE UNITED STATES.—It shall be the  
19 policy of the United States to encourage visits by cabinet-  
20 level officials between the United States and Taiwan to  
21 foster commercial, technological, and people-to-people ex-  
22 changes.

1 **SEC. 103. REVISION OF GUIDELINES FOR CONTACTS WITH**  
2 **TAIWAN.**

3 Notwithstanding the 1994 Taiwan policy review and  
4 current mandatory guidance from the Department of  
5 State regarding contacts with Taiwan, it shall be the pol-  
6 icy of the United States to—

7 (1) permit senior leaders of Taiwan to enter the  
8 United States under conditions which demonstrate  
9 appropriate courtesy and respect for the dignity of  
10 such leaders;

11 (2) permit meetings between high-level Tai-  
12 wanese and United States officials in all United  
13 States executive departments;

14 (3) allow official travel to Taiwan for Depart-  
15 ment of State and Department of Defense personnel  
16 above the rank of office director or, for uniformed  
17 military personnel, above the level of O6 (Colonel,  
18 Navy Captain); and

19 (4) support a decision by Taiwan to change the  
20 name of the Taipei Economic and Cultural Rep-  
21 resentative Office to that of the Taiwan Representa-  
22 tive Office.



1 **SEC. 104. REQUIREMENT FOR SENATE CONFIRMATION OF**  
2 **AN INDIVIDUAL APPOINTED TO SERVE AS**  
3 **THE DIRECTOR OF THE AMERICAN INSTI-**  
4 **TUTE IN TAIWAN.**

5 (a) **IN GENERAL.**—Notwithstanding any other provi-  
6 sion of law, the President shall appoint, by and with the  
7 advice and consent of the Senate, an individual to serve  
8 as the Director of the American Institute in Taiwan.

9 (b) **TRANSITION.**—The individual serving as the Di-  
10 rector of the American Institute in Taiwan as of the date  
11 of the enactment of this Act may continue to serve in such  
12 capacity until such time as an individual is appointed and  
13 confirmed in accordance with subsection (a).

14 **SEC. 105. EXTRADITION AGREEMENT.**

15 (a) **IN GENERAL.**—It shall be the policy of the United  
16 States to enhance judicial cooperation with Taiwan, cur-  
17 rently conducted on the basis of the 2002 Agreement on  
18 Mutual Legal Assistance in Criminal Matters, by signing  
19 a comprehensive extradition agreement.

20 (b) **REPORT.**—Not later than 180 days after the date  
21 of enactment of this Act, the President shall transmit to  
22 Congress a report that assesses whether a comprehensive  
23 extradition agreement between the United States and Tai-  
24 wan may be submitted to the Senate for advice and con-  
25 sent as a treaty or whether, because of Taiwan's unique  
26 status, such agreement must be submitted to both the

1 House of Representatives and Senate for legislative ap-  
2 proval.

3 **SEC. 106. CONTINUATION OF THE SIX ASSURANCES AS**  
4 **GUIDELINES IN CONDUCTING UNITED**  
5 **STATES-TAIWAN RELATIONS.**

6 Notwithstanding any communiqués entered into be-  
7 tween the United States and the People's Republic of  
8 China, the United States continues to assent to the six  
9 assurances provided to Taiwan in July, 1982, including  
10 that the United States—

11 (1) has not agreed to set a date for ending  
12 arms sales to Taiwan;

13 (2) has not agreed to hold prior consultations  
14 with the People's Republic of China on arms sales  
15 to Taiwan;

16 (3) will not play any mediation role between  
17 Taipei and Beijing;

18 (4) has not agreed to revise the Taiwan Rela-  
19 tions Act;

20 (5) has not altered its position regarding sov-  
21 ereignty over Taiwan; and

22 (6) will not exert pressure on Taiwan to nego-  
23 tiate with the People's Republic of China.

1 **SEC. 107. INTERNATIONAL ORGANIZATIONS.**

2 (a) ANNUAL PROGRAM.—To provide Taiwan with the  
3 international space it requires to function effectively in the  
4 world community, the Secretary of State shall direct the  
5 Department of State to continue its annual program to  
6 ensure meaningful participation by Taiwan in the World  
7 Health Assembly in Geneva, Switzerland, as well as mean-  
8 ingful participation for Taiwan in other relevant inter-  
9 national organizations, such as the International Civil  
10 Aviation Organization (ICAO).

11 (b) MEANINGFUL PARTICIPATION BY TAIWAN.—The  
12 Secretary of State shall direct the United States Perma-  
13 nent Representative to the United Nations to use the  
14 voice, vote, and influence of the United States at the  
15 United Nations to ensure meaningful participation for  
16 Taiwan in relevant United Nations Entities in which Tai-  
17 wan has expressed an interest in participating.

18 **SEC. 108. REPORT ON TAIWAN'S PARTICIPATION IN ICAO.**

19 (a) IN GENERAL.—The Secretary of State shall ini-  
20 tiate a United States plan to endorse and obtain meaning-  
21 ful participation for Taiwan at the periodic Assemblies  
22 held by the International Civil Aviation Organization  
23 (ICAO) in Montreal, Canada, including the 38th Assembly  
24 to be held in September–October 2013, and in the meet-  
25 ings and activities of the ICAO and shall instruct the

1 United States delegation to Montreal to implement such  
2 plan.

3 (b) REPORT.—Not later than 180 days after the date  
4 of the enactment of this Act and annually thereafter, the  
5 Secretary of State shall submit to Congress a report con-  
6 taining the plan required under subsection (a).

7 (c) FORM.—The report required under subsection (b)  
8 shall be submitted in unclassified form, but may contain  
9 a classified annex if necessary.

10 (d) ANNUAL BRIEFING.—The Secretary of State  
11 should provide an annual briefing to or consult with Con-  
12 gress on any efforts conducted by the United States Gov-  
13 ernment in support of Taiwan's progress toward meaning-  
14 ful participation in the ICAO.

## 15 **TITLE II—SECURITY RELATIONS**

### 16 **SEC. 201. STRENGTHENING THE DEFENSE OF TAIWAN.**

17 (a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE  
18 CAPABILITIES OF TAIWAN.—Congress finds that any de-  
19 termination of the nature and quantity of defense articles  
20 or defense services to be made available to Taiwan that  
21 is made on any basis other than the defense needs of Tai-  
22 wan, whether pursuant to the August 17, 1982,  
23 Communiqué signed with the People's Republic of China,  
24 or any similar executive agreement, order, or policy would

1 violate the intent of Congress specified in section 3(b) of  
2 the Taiwan Relations Act (22 U.S.C. 3302(b)).

3 (b) FOREIGN MILITARY SALES AND LICENSED DE-  
4 FENSE EXPORTS UNDER THE ARMS EXPORT CONTROL  
5 ACT.—Congress finds that, in accordance with the Taiwan  
6 Relations Act, the core purpose of foreign military sales  
7 and licensed commercial exports under the Arms Export  
8 Control Act should be to assist Taiwan in its ability to—

- 9 (1) deter coercion;  
10 (2) defend against a strategy of coercive diplo-  
11 macy employing threats or limited force;  
12 (3) repel an invasion; and  
13 (4) partner with civil responders and friendly  
14 foreign militaries.

15 (c) DEFENSE TRANSFERS.—In order to accomplish  
16 the purposes of this section, the President is authorized  
17 to make available to Taiwan defense articles or defense  
18 services, including the following:

- 19 (1) Air and air defense capabilities, including—  
20 (A) low-cost, survivable sensors;  
21 (B) command and control systems;  
22 (C) modern surface to air missiles;  
23 (D) upgrades to existing modern combat  
24 aircraft as well as new combat aircraft, includ-

1 ing Vertical and Short Take-Off and Landing  
2 Aircraft (V/STOL);

3 (E) radar, electronic warfare, and jamming  
4 capabilities;

5 (F) passive defense measures (such as re-  
6 dundancy, dispersal, camouflage/deception,  
7 hardening, and rapid repair capabilities); and

8 (G) access to satellites for remote sensing  
9 and communication.

10 (2) Maritime capabilities, including—

11 (A) additional sensor capacity for com-  
12 prehensive maritime domain awareness;

13 (B) cost-effective submarines for anti-sur-  
14 face, anti-submarine warfare, and other mis-  
15 sions;

16 (C) mines and mine countermeasure ves-  
17 sels; and

18 (D) anti-ship cruise missiles.

19 (3) Ground capabilities, including—

20 (A) layers, short-range air defense;

21 (B) critical infrastructure protection to en-  
22 sure continuity of government;

23 (C) air mobility;

24 (D) unmanned air vehicles; and

1 (E) accurate, GPS-guided short-range  
2 rockets.

3 (4) Capacity for partnership with friendly for-  
4 eign militaries, including—

5 (A) command, control, communications,  
6 computers, intelligence, surveillance, and recon-  
7 naissance situational awareness systems;

8 (B) enhanced doctrine exchange; and

9 (C) enhanced senior-level training.

10 (d) **RULE OF CONSTRUCTION RELATING TO ARMS**  
11 **EXPORT CONTROL ACT.**—Nothing in this section shall be  
12 construed to supersede or modify section 36 of the Arms  
13 Export Control Act (22 U.S.C. 2776).

14 **SEC. 202. ADVANCED COMBAT AIRCRAFT FOR TAIWAN.**

15 (a) **STATEMENT OF POLICY.**—Notwithstanding the  
16 upgrade of Taiwan’s F-16 A/B aircraft, Taiwan will expe-  
17 rience a growing shortfall in fighter aircraft, particularly  
18 as its F-5 aircraft are retired from service.

19 (b) **AUTHORITY TO ACCEPT LETTER OF REQUEST.**—  
20 Pursuant to the foreign military sales program authorized  
21 by the Arms Export Control Act, the President is author-  
22 ized to accept a letter of request from Taiwan for price  
23 and availability data or for a formal sales offer with re-  
24 spect to the F-16C/D Fighting Falcon multirole fighter  
25 aircraft or other aircraft of similar capability, as may be

1 necessary to enable Taiwan to maintain a sufficient self-  
2 defense capability.

3 **SEC. 203. CONSULTATIONS ON TAIWAN ARMS SALES.**

4 (a) BRIEFINGS.—Not later than 90 days after the  
5 date of the enactment of this Act and at least annually  
6 thereafter, the Secretary of State, in consultation with the  
7 Secretary of Defense, shall provide detailed briefings to  
8 Congress on—

9 (1) any discussions conducted between any ex-  
10 ecutive branch agency and the Government of Tai-  
11 wan during a covered period; and

12 (2) any potential transfer to the Government of  
13 Taiwan of defense articles or defense services.

14 (b) DEFINITIONS.—In this section and section 201:

15 (1) COVERED PERIOD.—The term “covered pe-  
16 riod” means, with respect to—

17 (A) the initial briefing required under sub-  
18 section (a), the period beginning on the date of  
19 the enactment of this Act and ending on the  
20 date of such initial briefing; and

21 (B) subsequent briefings required under  
22 such subsection, the period beginning on the  
23 day after the date of the most recent briefing  
24 and ending on the date of any such subsequent  
25 briefing.



1           (2) EXECUTIVE BRANCH AGENCY.—The term  
2 “executive branch agency” has the meaning given  
3 the term “agency” in section 551(1) of title 5,  
4 United States Code.

5           (3) DEFENSE ARTICLE.—The term “defense ar-  
6 ticle” has the meaning given such term in section 47  
7 of the Arms Export Control Act (22 U.S.C. 2794).

8           (4) DEFENSE SERVICE.—The term “defense  
9 service” has the meaning given such term in section  
10 47 of the Arms Export Control Act (22 U.S.C.  
11 2794).

12 **SEC. 204. ANNUAL REPORT ON DEFENSE TRANSFERS TO**  
13 **TAIWAN.**

14           (a) IN GENERAL.—Not later than 180 days after the  
15 date of the enactment of this Act and annually thereafter,  
16 the President shall transmit to Congress a report—

17           (1) detailing each of Taiwan’s requests for pur-  
18 chase of defense articles and defense services during  
19 the immediately preceding one-year period, whether  
20 submitted through a letter of request (LOR) or con-  
21 veyed by other authoritative means, except that the  
22 first report under this section shall cover the period  
23 2006 through 2011;

24           (2) describing the defense needs asserted by  
25 Taiwan as justification for such requests;

1           (3) describing the decisionmaking process used  
2 to reject, postpone, or modify any such request, in-  
3 cluding—

4           (A) with respect to significant military  
5 equipment, the country team assessment and  
6 recommendation as to whether the United  
7 States should sell such equipment; and

8           (B) for each request, the elapse of time be-  
9 tween the submission of such request and the  
10 completion of the interagency review process by  
11 the United States; and

12          (4) detailing those defense articles and defense  
13 services listed in the Arms Sale Proposal described  
14 in section 25 of the Arms Export Control Act (22  
15 U.S.C. 2765), including a description of the ration-  
16 ale for including or not including in such Proposal,  
17 as the case may be, all sales and licensed exports to  
18 Taiwan under such Act of major weapons or weap-  
19 ons-related defense equipment for \$7,000,000 or  
20 more, and the extent to which a decision to not in-  
21 clude in such Proposal such sales to Taiwan is con-  
22 sistent with such section.

23          (b) FORM.—The report required under subsection (a)  
24 shall be submitted in unclassified form, but may contain  
25 a classified annex if necessary.

1 **SEC. 205. REPORT ON IMPLEMENTATION OF TAIWAN RELA-**  
2 **TIONS ACT.**

3 (a) **IN GENERAL.**—Not later than 180 days after the  
4 date of the enactment of this Act, the President shall sub-  
5 mit to Congress a report on implementation of United  
6 States security policy under the Taiwan Relations Act.

7 (b) **MATTERS TO BE INCLUDED.**—The report re-  
8 quired under subsection (a) shall include, at a minimum,  
9 the following:

10 (1) A review of the operational planning, policy  
11 reviews, and other preparations of the United States  
12 since 2000 to implement section 2(b)(6) and sub-  
13 sections (a), (b), and (c) of section 3 of the Taiwan  
14 Relations Act, including the extent to which the  
15 United States retains the capacity to resist any re-  
16 sort to force or other forms of coercion that would  
17 jeopardize the security, or the social or economic  
18 system, of the people of Taiwan. Such review shall  
19 take into account whether Taiwan's air and air de-  
20 fense forces retain the ability to effectively defend  
21 Taiwan against China's ballistic missile and air  
22 threats, and the extent to which the absence of cred-  
23 ible Taiwanese air defense forces may complicate the  
24 ability of the United States to resist any resort to  
25 force that jeopardizes the security of Taiwan.

1           (2) An evaluation of all gaps in relevant knowl-  
2       edge about the capabilities and intentions of the  
3       People's Republic of China as such capabilities and  
4       intentions might affect the current and future mili-  
5       tary balance between Taiwan and China, such as  
6       anti-access and area denial capabilities as well as  
7       anti-satellite and space warfare developments, in-  
8       cluding both classified United States intelligence in-  
9       formation and Chinese open source writing.

10       (c) FORM.—The report required under subsection (a)  
11       shall be submitted in unclassified form, but may contain  
12       a classified annex if necessary.

13       **SEC. 206. NAVAL VESSEL TRANSFER AUTHORITY.**

14       (a) TRANSFER BY SALE.—The President is author-  
15       ized to transfer the OLIVER HAZARD PERRY class  
16       guided missile frigates USS TAYLOR (FFG-50), USS  
17       GARY (FFG-51), USS CARR (FFG-52), and USS  
18       ELROD (FFG-55) to the Taipei Economic and Cultural  
19       Representative Office of the United States (which is the  
20       Taiwan instrumentality designated pursuant to section  
21       10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a)))  
22       on a sale basis under section 21 of the Arms Export Con-  
23       trol Act (22 U.S.C. 2761).

24       (b) COSTS OF TRANSFERS.—Any expense incurred by  
25       the United States in connection with a transfer authorized

1 by this section shall be charged to the recipient notwith-  
2 standing section 516(e) of the Foreign Assistance Act of  
3 1961 (22 U.S.C. 2321j(e)).

4 (c) REPAIR AND REFURBISHMENT IN UNITED  
5 STATES SHIPYARDS.—To the maximum extent prac-  
6 ticable, the President shall require, as a condition of the  
7 transfer of a vessel under this section, that the recipient  
8 to which the vessel is transferred have such repair or re-  
9 furbishment of the vessel as is needed, before the vessel  
10 joins the naval forces of that recipient, performed at a  
11 shipyard located in the United States, including a United  
12 States Navy shipyard.

13 (d) EXPIRATION OF AUTHORITY.—The authority to  
14 transfer a vessel under this section shall expire at the end  
15 of the 3-year period beginning on the date of the enact-  
16 ment of this Act.

17 **TITLE III—ECONOMIC AND**  
18 **TRADE RELATIONS**

19 **SEC. 301. TRADE AND INVESTMENT FRAMEWORK AGREE-**  
20 **MENT.**

21 It is the sense of Congress that, at the earliest oppor-  
22 tunity, the United States Trade Representative should  
23 seek to resume and successfully conclude negotiations of  
24 economic issues in the Trade and Investment Framework  
25 Agreement (TIFA) talks with Taiwan.

1 **SEC. 302. FREE TRADE AGREEMENT.**

2 (a) IN GENERAL.—It is the sense of Congress that  
3 the ultimate goal of trade negotiations with Taiwan should  
4 be the negotiation of a free trade agreement with Taiwan.  
5 As building blocks toward that goal, the United States  
6 should study the feasibility of negotiating with Taiwan a  
7 bilateral—

8 (1) investment agreement; and

9 (2) tax agreement.

10 (b) REPORT.—Not later than 180 days after the date  
11 of enactment of this Act, the President shall transmit to  
12 Congress a report that assesses whether economic and  
13 trade agreements between the United States and Taiwan  
14 may be submitted to the Senate for advice and consent  
15 as a treaty or whether, because of Taiwan's unique status,  
16 such agreements must be submitted to both the House of  
17 Representatives and Senate for legislative approval.

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**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 419  
OFFERED BY MR. CHABOT OF OHIO**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Taiwan Policy Act of  
3 2013”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The Taiwan Relations Act (Public Law 96–  
7 8; 22 U.S.C. 3301 et seq.), enacted in 1979, has  
8 continued for 34 years to be the cornerstone of  
9 United States–Taiwan relations and has served as  
10 an anchor for peace and security in the Western Pa-  
11 cific region.

12 (2) The Taiwan Relations Act, in furthering the  
13 national interests of the United States in the West-  
14 ern Pacific region, has mandated that the United  
15 States will make available to Taiwan such defense  
16 articles and defense services in such quantity as may  
17 be necessary to enable Taiwan to maintain a suffi-  
18 cient self-defense capability, thus allowing the people

1 of Taiwan to preserve a peaceful, democratic, and  
2 prosperous way of life.

3 (3) The future of Taiwan must be determined  
4 in a peaceful manner and with the assent of the peo-  
5 ple of Taiwan.

6 (4) The Taiwan Relations Act declares that—

7 (A) peace and stability in the Western Pa-  
8 cific area are in the political, security, and eco-  
9 nomic interests of the United States, and are  
10 matters of international concern;

11 (B) the United States decision to establish  
12 diplomatic relations with the People's Republic  
13 of China rests upon the expectation that the fu-  
14 ture of Taiwan will be determined by peaceful  
15 means;

16 (C) the United States considers any effort  
17 to determine the future of Taiwan by other  
18 than peaceful means, including by boycotts or  
19 embargoes, a threat to the peace and security  
20 of the Western Pacific area and of grave con-  
21 cern to the United States;

22 (D) the United States will maintain the ca-  
23 pacity to resist any resort to force or other  
24 forms of coercion that would jeopardize the se-



1 security, or the social or economic system, of the  
2 people on Taiwan; and

3 (E) the preservation and enhancement of  
4 the human rights of all the people on Taiwan  
5 are reaffirmed as objectives of the United  
6 States.

7 (5) In recent years United States–Taiwan rela-  
8 tions have suffered from inattention and lack of  
9 strategic vision, thereby requiring the Congress to  
10 both clarify United States policy toward Taiwan and  
11 enhance its oversight role in the implementation of  
12 the Taiwan Relations Act.

13 (6) In its China Military Power Report for  
14 2012, Taiwan’s Ministry of National Defense  
15 (MND) estimated that more than 1,600 ballistic and  
16 cruise missiles are now being aimed at Taiwan by  
17 the Second Artillery Corps of the People’s Republic  
18 of China and other experts suggest that this number  
19 could increase to 1,800 in the near future.

20 (7) The anti-secession law, passed by the Na-  
21 tional People’s Congress of the People’s Republic of  
22 China, was found by House Concurrent Resolution  
23 98, passed in the House of Representatives on  
24 March 16, 2005, by a vote of 424–4, “to create a  
25 legal framework for possible use of force against

1 Taiwan” and “to provide a legal justification for the  
2 use of force against Taiwan, altering the status quo  
3 in the region, and thus is of grave concern to the  
4 United States.”.

5 (8) The legislative requirement to make avail-  
6 able defense articles and defense services should in-  
7 clude the provision of new F-16 C/D aircraft and  
8 upgrades of existing F-16 A/B aircraft essential to  
9 Taiwan’s security.

10 (9) The 2012 Department of Defense’s Annual  
11 Report to Congress on Military and Security Devel-  
12 opments Involving the People’s Republic of China  
13 noted that “preparing for contingencies in the Tai-  
14 wan Strait remains the principal focus and driver of  
15 much of China’s military investment. In this context,  
16 over the past year, the [People’s Liberation Army]  
17 continued to build the capabilities and develop the  
18 doctrine it considers necessary to deter Taiwan from  
19 declaring independence; to deter, delay, and deny ef-  
20 fective U.S. intervention in a potential cross-Strait  
21 conflict; and to defeat Taiwan forces in the event of  
22 hostilities.”.

23 (10) The language contained in the Joint  
24 Communiqué of the United States of America and  
25 the People’s Republic of China, dated August 17,

1 1982, which states in part that “arms sales to Tai-  
2 wan will not exceed, either in qualitative or in quan-  
3 titative terms, the level of those supplied in recent  
4 years” shall not, to any degree, diminish the respon-  
5 sibility of the United States, as legislatively man-  
6 dated in the Taiwan Relations Act, to “make avail-  
7 able to Taiwan such defense articles and defense  
8 services in such quantity as may be necessary to en-  
9 able Taiwan to maintain a sufficient self-defense ca-  
10 pability.”.

11 (11) The United States has sought diplomati-  
12 cally to preserve Taiwan’s international space, de-  
13 spite outside pressure and coercion, and has sought  
14 to secure Taiwan’s meaningful participation in such  
15 international organizations as the World Health Or-  
16 ganization (WHO).

17 (12) Given the critical importance of airport se-  
18 curity in a post-September 11th international envi-  
19 ronment, the United States recognizes it is crucial  
20 for Taiwan to be admitted to meaningful participa-  
21 tion in the International Civil Aviation Organization  
22 (ICAO) so that Taiwan may contribute to the suc-  
23 cess of a global strategy to address aviation security  
24 threats based on effective international cooperation.

1           (13) Recognizing that the Taiwan Relations Act  
2           stated that it is the policy of the United States “to  
3           preserve and promote extensive, close, and friendly  
4           commercial, cultural, and other relations between  
5           the people of the United States and the people on  
6           Taiwan” the Secretary of Homeland Security an-  
7           nounced on October 2, 2012, “the designation of  
8           Taiwan into the Visa Waiver Program (VWP)” with  
9           eligible Taiwan passport holders able to travel on the  
10          VWP beginning November 1, 2012.

11          (14) The conclusion of the Economic Coopera-  
12          tion Framework Agreement (ECFA) between Tai-  
13          wan and the People’s Republic of China in June  
14          2010 or the adoption of any other cross-Strait eco-  
15          nomic measures shall not diminish in any degree the  
16          requirement contained in the Act to “maintain the  
17          capacity of the United States to resist any resort to  
18          force or other forms of coercion that would jeop-  
19          ardize the security, or the social or economic system,  
20          of the people on Taiwan.”.

21          (15) The theory recently put forward in certain  
22          academic circles that the United States should ac-  
23          quiesce to China’s ascendancy in Asia and put aside  
24          the commitments made in the Taiwan Relations Act  
25          is based upon a false premise that ignores the exam-

1 ple of a democratic Taiwan, the historic ties of  
2 friendship of the peoples of the United States and  
3 Taiwan, and the determination of the United States  
4 to remain as a Pacific power.

5 (16) Total United States–Taiwan trade in 2012  
6 was \$63,200,000,000 and Taiwan was the 11th  
7 largest United States trading partner and the 7th  
8 largest market for United States agricultural ex-  
9 ports.

10 (17) It is in the economic interests of the  
11 United States and the national security interests of  
12 Taiwan for the peoples of the United States and  
13 Taiwan to further strengthen and revitalize their  
14 trade and investment ties, including through an ex-  
15 panded Trans-Pacific Partnership (TPP) Agreement  
16 or similar mechanism.

17 **SEC. 3. RULE OF CONSTRUCTION.**

18 Nothing in this Act shall be construed to amend or  
19 supersede the Taiwan Relations Act.

20 **TITLE I—POLITICAL RELATIONS**

21 **SEC. 101. RELATIONS WITH THE PEOPLE OF TAIWAN.**

22 The following shall be the policies of the United  
23 States:

24 (1) Supporting Taiwan, Taiwan’s democracy,  
25 and the human rights of its people.

1           (2) As noted in the Taiwan Relations Act, “the  
2           absence of diplomatic relations or recognition shall  
3           not affect the application of the laws of the United  
4           States with respect to Taiwan, and the laws of the  
5           United States shall apply with respect to Taiwan in  
6           the manner that the laws of the United States ap-  
7           plied with respect to Taiwan prior to January 1,  
8           1979.”.

9           (3) The United States Government shall respect  
10          the right of the Taipei Economic and Cultural Rep-  
11          resentative Office (TECRO) to display its flag on its  
12          premises and the American Institute in Taiwan  
13          (AIT) and the residence of its Director in Taipei  
14          shall, correspondingly, publicly display the United  
15          States flag in the same manner as United States  
16          embassies, consulates, and official residences  
17          throughout the world.

18          (4) The Taipei Economic and Cultural Rep-  
19          resentative Office and all other instrumentalities es-  
20          tablished by Taiwan, including the Twin Oaks Es-  
21          tate, may conduct official business activities, includ-  
22          ing activities which involve participation by Members  
23          of the United States Congress and other representa-  
24          tives of the Federal, State, and local governments,

1 without any impediment from the United States  
2 Government or any foreign power.

3 **SEC. 102. VISITS BY CABINET LEVEL OFFICIALS.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Visits by United States cabinet officials and  
6 other high-ranking visitors are an indicator of the  
7 breadth and depth of ties between the United States  
8 and Taiwan.

9 (2) In December 1992, United States Trade  
10 Representative Carla Hills visited Taiwan, marking  
11 the first cabinet-level visit since 1979.

12 (3) Over the next 8 years the Administrator of  
13 the Small Business Administration, the Secretary of  
14 Energy, and 2 Secretaries of Transportation visited  
15 Taiwan.

16 (4) There have been no Cabinet level visits to  
17 Taiwan since 2000.

18 (b) POLICY OF THE UNITED STATES.—It shall be the  
19 policy of the United States to encourage visits by cabinet-  
20 level officials between the United States and Taiwan to  
21 foster commercial, technological, and people-to-people ex-  
22 changes.

1 **SEC. 103. REVISION OF GUIDELINES FOR CONTACTS WITH**  
2 **TAIWAN.**

3 Notwithstanding the 1994 Taiwan policy review and  
4 current mandatory guidance from the Department of  
5 State regarding contacts with Taiwan, it shall be the pol-  
6 icy of the United States to—

7 (1) permit senior leaders of Taiwan to enter the  
8 United States under conditions which demonstrate  
9 appropriate courtesy and respect for the dignity of  
10 such leaders;

11 (2) permit meetings between high-level Tai-  
12 wanese and United States officials in all United  
13 States executive departments;

14 (3) allow official travel to Taiwan for Depart-  
15 ment of State and Department of Defense personnel  
16 above the rank of office director or, for uniformed  
17 military personnel, above the level of O6 (Colonel,  
18 Navy Captain); and

19 (4) support a decision by Taiwan to change the  
20 name of the Taipei Economic and Cultural Rep-  
21 resentative Office to that of the Taiwan Representa-  
22 tive Office.



1 **SEC. 104. REQUIREMENT FOR SENATE CONFIRMATION OF**  
2 **AN INDIVIDUAL APPOINTED TO SERVE AS**  
3 **THE DIRECTOR OF THE AMERICAN INSTI-**  
4 **TUTE IN TAIWAN.**

5 (a) IN GENERAL.—Notwithstanding any other provi-  
6 sion of law, the President shall appoint, by and with the  
7 advice and consent of the Senate, an individual to serve  
8 as the Director of the American Institute in Taiwan.

9 (b) TRANSITION.—The individual serving as the Di-  
10 rector of the American Institute in Taiwan as of the date  
11 of the enactment of this Act may continue to serve in such  
12 capacity until such time as an individual is appointed and  
13 confirmed in accordance with subsection (a).

14 **SEC. 105. EXTRADITION AGREEMENT.**

15 (a) IN GENERAL.—It shall be the policy of the United  
16 States to enhance judicial cooperation with Taiwan, cur-  
17 rently conducted on the basis of the 2002 Agreement on  
18 Mutual Legal Assistance in Criminal Matters, by signing  
19 a comprehensive extradition agreement.

20 (b) REPORT.—Not later than 180 days after the date  
21 of enactment of this Act, the President shall transmit to  
22 Congress a report that assesses whether a comprehensive  
23 extradition agreement between the United States and Tai-  
24 wan may be submitted to the Senate for advice and con-  
25 sent as a treaty or whether, because of Taiwan's unique  
26 status, such agreement must be submitted to both the

1 House of Representatives and Senate for legislative ap-  
2 proval.

3 **SEC. 106. CONTINUATION OF THE SIX ASSURANCES AS**  
4 **GUIDELINES IN CONDUCTING UNITED**  
5 **STATES-TAIWAN RELATIONS.**

6 Notwithstanding any communiqués entered into be-  
7 tween the United States and the People's Republic of  
8 China, the United States continues to assent to the six  
9 assurances provided to Taiwan in July, 1982, including  
10 that the United States—

11 (1) has not agreed to set a date for ending  
12 arms sales to Taiwan;

13 (2) has not agreed to hold prior consultations  
14 with the People's Republic of China on arms sales  
15 to Taiwan;

16 (3) will not play any mediation role between  
17 Taipei and Beijing;

18 (4) has not agreed to revise the Taiwan Rela-  
19 tions Act;

20 (5) has not altered its position regarding sov-  
21 ereignty over Taiwan; and

22 (6) will not exert pressure on Taiwan to nego-  
23 tiate with the People's Republic of China.

1 **SEC. 107. INTERNATIONAL ORGANIZATIONS.**

2 (a) ANNUAL PROGRAM.—To provide Taiwan with the  
3 international space it requires to function effectively in the  
4 world community, the Secretary of State shall direct the  
5 Department of State to continue its annual program to  
6 ensure meaningful participation by Taiwan in the World  
7 Health Assembly in Geneva, Switzerland, as well as mean-  
8 ingful participation for Taiwan in other relevant inter-  
9 national organizations, such as the International Civil  
10 Aviation Organization (ICAO).

11 (b) MEANINGFUL PARTICIPATION BY TAIWAN.—The  
12 Secretary of State shall direct the United States Perma-  
13 nent Representative to the United Nations to use the  
14 voice, vote, and influence of the United States at the  
15 United Nations to ensure meaningful participation for  
16 Taiwan in relevant United Nations Entities in which Tai-  
17 wan has expressed an interest in participating.

18 **SEC. 108. REPORT ON TAIWAN'S PARTICIPATION IN ICAO.**

19 (a) IN GENERAL.—The Secretary of State shall ini-  
20 tiate a United States plan to endorse and obtain meaning-  
21 ful participation for Taiwan at the periodic Assemblies  
22 held by the International Civil Aviation Organization  
23 (ICAO) in Montreal, Canada, including the 38th Assembly  
24 to be held in September–October 2013, and in the meet-  
25 ings and activities of the ICAO and shall instruct the

1 United States delegation to Montreal to implement such  
2 plan.

3 (b) REPORT.—Not later than 180 days after the date  
4 of the enactment of this Act and annually thereafter, the  
5 Secretary of State shall submit to Congress a report con-  
6 taining the plan required under subsection (a).

7 (c) FORM.—The report required under subsection (b)  
8 shall be submitted in unclassified form, but may contain  
9 a classified annex if necessary.

10 (d) ANNUAL BRIEFING.—The Secretary of State  
11 should provide an annual briefing to or consult with Con-  
12 gress on any efforts conducted by the United States Gov-  
13 ernment in support of Taiwan's progress toward meaning-  
14 ful participation in the ICAO.

## 15 **TITLE II—SECURITY RELATIONS**

### 16 **SEC. 201. STRENGTHENING THE DEFENSE OF TAIWAN.**

17 (a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE  
18 CAPABILITIES OF TAIWAN.—Congress finds that any de-  
19 termination of the nature and quantity of defense articles  
20 or defense services to be made available to Taiwan that  
21 is made on any basis other than the defense needs of Tai-  
22 wan, whether pursuant to the August 17, 1982,  
23 Communiqué signed with the People's Republic of China,  
24 or any similar executive agreement, order, or policy would

1 violate the intent of Congress specified in section 3(b) of  
2 the Taiwan Relations Act (22 U.S.C. 3302(b)).

3 (b) FOREIGN MILITARY SALES AND LICENSED DE-  
4 FENSE EXPORTS UNDER THE ARMS EXPORT CONTROL  
5 ACT.—Congress finds that, in accordance with the Taiwan  
6 Relations Act, the core purpose of foreign military sales  
7 and licensed commercial exports under the Arms Export  
8 Control Act should be to assist Taiwan in its ability to—

- 9 (1) deter coercion;  
10 (2) defend against a strategy of coercive diplo-  
11 macy employing threats or limited force;  
12 (3) repel an invasion; and  
13 (4) partner with civil responders and friendly  
14 foreign militaries.

15 (c) DEFENSE TRANSFERS.—In order to accomplish  
16 the purposes of this section, the President is authorized  
17 to make available to Taiwan defense articles or defense  
18 services, including the following:

- 19 (1) Air and air defense capabilities, including—  
20 (A) low-cost, survivable sensors;  
21 (B) command and control systems;  
22 (C) modern surface to air missiles;  
23 (D) upgrades to existing modern combat  
24 aircraft as well as new combat aircraft, includ-

1 ing Vertical and Short Take-Off and Landing  
2 Aircraft (V/STOL);

3 (E) radar, electronic warfare, and jamming  
4 capabilities;

5 (F) passive defense measures (such as re-  
6 dundancy, dispersal, camouflage/deception,  
7 hardening, and rapid repair capabilities); and

8 (G) access to satellites for remote sensing  
9 and communication.

10 (2) Maritime capabilities, including—

11 (A) additional sensor capacity for com-  
12 prehensive maritime domain awareness;

13 (B) cost-effective submarines for anti-sur-  
14 face, anti-submarine warfare, and other mis-  
15 sions;

16 (C) mines and mine countermeasure ves-  
17 sels; and

18 (D) anti-ship cruise missiles.

19 (3) Ground capabilities, including—

20 (A) layers, short-range air defense;

21 (B) critical infrastructure protection to en-  
22 sure continuity of government;

23 (C) air mobility;

24 (D) unmanned air vehicles; and

1 (E) accurate, GPS-guided short-range  
2 rockets.

3 (4) Capacity for partnership with friendly for-  
4 eign militaries, including—

5 (A) command, control, communications,  
6 computers, intelligence, surveillance, and recon-  
7 naissance situational awareness systems;

8 (B) enhanced doctrine exchange; and

9 (C) enhanced senior-level training.

10 (d) **RULE OF CONSTRUCTION RELATING TO ARMS**  
11 **EXPORT CONTROL ACT.**—Nothing in this section shall be  
12 construed to supersede or modify section 36 of the Arms  
13 Export Control Act (22 U.S.C. 2776).

14 **SEC. 202. ADVANCED COMBAT AIRCRAFT FOR TAIWAN.**

15 (a) **STATEMENT OF POLICY.**—Notwithstanding the  
16 upgrade of Taiwan’s F-16 A/B aircraft, Taiwan will expe-  
17 rience a growing shortfall in fighter aircraft, particularly  
18 as its F-5 aircraft are retired from service.

19 (b) **AUTHORITY TO ACCEPT LETTER OF REQUEST.**—  
20 Pursuant to the foreign military sales program authorized  
21 by the Arms Export Control Act, the President is author-  
22 ized to accept a letter of request from Taiwan for price  
23 and availability data or for a formal sales offer with re-  
24 spect to the F-16C/D Fighting Falcon multirole fighter  
25 aircraft or other aircraft of similar capability, as may be

1 necessary to enable Taiwan to maintain a sufficient self-  
2 defense capability.

3 **SEC. 203. CONSULTATIONS ON TAIWAN ARMS SALES.**

4 (a) BRIEFINGS.—Not later than 90 days after the  
5 date of the enactment of this Act and at least annually  
6 thereafter, the Secretary of State, in consultation with the  
7 Secretary of Defense, shall provide detailed briefings to  
8 Congress on—

9 (1) any discussions conducted between any ex-  
10 ecutive branch agency and the Government of Tai-  
11 wan during a covered period; and

12 (2) any potential transfer to the Government of  
13 Taiwan of defense articles or defense services, in-  
14 cluding routine upgrades to or replacements of de-  
15 fense articles previously transferred by the United  
16 States to the Government of Taiwan.

17 (b) DEFINITIONS.—In this section and section 201:

18 (1) COVERED PERIOD.—The term “covered pe-  
19 riod” means, with respect to—

20 (A) the initial briefing required under sub-  
21 section (a), the period beginning on the date of  
22 the enactment of this Act and ending on the  
23 date of such initial briefing; and

24 (B) subsequent briefings required under  
25 such subsection, the period beginning on the



1           day after the date of the most recent briefing  
2           and ending on the date of any such subsequent  
3           briefing.

4           (2) EXECUTIVE BRANCH AGENCY.—The term  
5           “executive branch agency” has the meaning given  
6           the term “agency” in section 551(1) of title 5,  
7           United States Code.

8           (3) DEFENSE ARTICLE.—The term “defense ar-  
9           ticle” has the meaning given such term in section 47  
10          of the Arms Export Control Act (22 U.S.C. 2794).

11          (4) DEFENSE SERVICE.—The term “defense  
12          service” has the meaning given such term in section  
13          47 of the Arms Export Control Act (22 U.S.C.  
14          2794).

15   **SEC. 204. ANNUAL REPORT ON DEFENSE TRANSFERS TO**  
16                                   **TAIWAN.**

17          (a) IN GENERAL.—Not later than 180 days after the  
18          date of the enactment of this Act and annually thereafter,  
19          the President shall transmit to Congress a report—

20                 (1) detailing each of Taiwan’s requests for pur-  
21                 chase of defense articles and defense services during  
22                 the immediately preceding one-year period, whether  
23                 submitted through a letter of request (LOR) or con-  
24                 veyed by other authoritative means, except that the

1 first report under this section shall cover the period  
2 2006 through 2011;

3 (2) describing the defense needs asserted by  
4 Taiwan as justification for such requests;

5 (3) describing the decisionmaking process used  
6 to reject, postpone, or modify any such request, in-  
7 cluding—

8 (A) with respect to significant military  
9 equipment, the country team assessment and  
10 recommendation as to whether the United  
11 States should sell such equipment; and

12 (B) for each request, the elapse of time be-  
13 tween the submission of such request and the  
14 completion of the interagency review process by  
15 the United States; and

16 (4) detailing those defense articles and defense  
17 services listed in the Arms Sale Proposal described  
18 in section 25 of the Arms Export Control Act (22  
19 U.S.C. 2765), including a description of the ration-  
20 ale for including or not including in such Proposal,  
21 as the case may be, all sales and licensed exports to  
22 Taiwan under such Act of major weapons or weap-  
23 ons-related defense equipment for \$7,000,000 or  
24 more, and the extent to which a decision to not in-

1       clude in such Proposal such sales to Taiwan is con-  
2       sistent with such section.

3       (b) FORM.—The report required under subsection (a)  
4 shall be submitted in unclassified form, but may contain  
5 a classified annex if necessary.

6 **SEC. 205. REPORT ON IMPLEMENTATION OF TAIWAN RELA-**  
7 **TIONS ACT.**

8       (a) IN GENERAL.—Not later than 180 days after the  
9 date of the enactment of this Act, the President shall sub-  
10 mit to Congress a report on implementation of United  
11 States security policy under the Taiwan Relations Act.

12       (b) MATTERS TO BE INCLUDED.—The report re-  
13 quired under subsection (a) shall include, at a minimum,  
14 the following:

15           (1) A review of the operational planning, policy  
16 reviews, and other preparations of the United States  
17 since 2000 to implement section 2(b)(6) and sub-  
18 sections (a), (b), and (c) of section 3 of the Taiwan  
19 Relations Act, including the extent to which the  
20 United States retains the capacity to resist any re-  
21 sort to force or other forms of coercion that would  
22 jeopardize the security, or the social or economic  
23 system, of the people of Taiwan. Such review shall  
24 take into account whether Taiwan's air and air de-  
25 fense forces retain the ability to effectively defend

1 Taiwan against China's ballistic missile and air  
2 threats, and the extent to which the absence of cred-  
3 ible Taiwanese air defense forces may complicate the  
4 ability of the United States to resist any resort to  
5 force that jeopardizes the security of Taiwan.

6 (2) An evaluation of all gaps in relevant knowl-  
7 edge about the capabilities and intentions of the  
8 People's Republic of China as such capabilities and  
9 intentions might affect the current and future mili-  
10 tary balance between Taiwan and China, such as  
11 anti-access and area denial capabilities as well as  
12 anti-satellite and space warfare developments, in-  
13 cluding both classified United States intelligence in-  
14 formation and Chinese open source writing.

15 (c) FORM.—The report required under subsection (a)  
16 shall be submitted in unclassified form, but may contain  
17 a classified annex if necessary.

18 **SEC. 206. NAVAL VESSEL TRANSFER AUTHORITY.**

19 (a) TRANSFER BY SALE.—The President is author-  
20 ized to transfer the OLIVER HAZARD PERRY class  
21 guided missile frigates USS TAYLOR (FFG-50), USS  
22 GARY (FFG-51), USS CARR (FFG-52), and USS  
23 ELROD (FFG-55) to the Taipei Economic and Cultural  
24 Representative Office of the United States (which is the  
25 Taiwan instrumentality designated pursuant to section

1 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))  
2 on a sale basis under section 21 of the Arms Export Con-  
3 trol Act (22 U.S.C. 2761).

4 (b) COSTS OF TRANSFERS.—Any expense incurred by  
5 the United States in connection with a transfer authorized  
6 by this section shall be charged to the recipient notwith-  
7 standing section 516(e) of the Foreign Assistance Act of  
8 1961 (22 U.S.C. 2321j(e)).

9 (c) REPAIR AND REFURBISHMENT IN UNITED  
10 STATES SHIPYARDS.—To the maximum extent prac-  
11 ticable, the President shall require, as a condition of the  
12 transfer of a vessel under this section, that the recipient  
13 to which the vessel is transferred have such repair or re-  
14 furbishment of the vessel as is needed, before the vessel  
15 joins the naval forces of that recipient, performed at a  
16 shipyard located in the United States, including a United  
17 States Navy shipyard.

18 (d) EXPIRATION OF AUTHORITY.—The authority to  
19 transfer a vessel under this section shall expire at the end  
20 of the 3-year period beginning on the date of the enact-  
21 ment of this Act.

1           **TITLE III—ECONOMIC AND**  
2                           **TRADE RELATIONS**

3 **SEC. 301. TRADE AND INVESTMENT FRAMEWORK AGREE-**  
4                           **MENT.**

5           It is the sense of Congress that, at the earliest oppor-  
6 tunity, the United States Trade Representative should  
7 successfully conclude negotiations of economic issues in  
8 the Trade and Investment Framework Agreement (TIFA)  
9 talks with Taiwan.

10 **SEC. 302. FREE TRADE AGREEMENT.**

11           (a) **IN GENERAL.**—It is the sense of Congress that  
12 the ultimate goal of trade negotiations with Taiwan should  
13 be the negotiation of a free trade agreement with Taiwan.  
14 As building blocks toward that goal, the United States  
15 should study the feasibility of negotiating with Taiwan a  
16 bilateral—

17                       (1) investment agreement; and

18                       (2) tax agreement.

19           (b) **REPORT.**—Not later than 180 days after the date  
20 of enactment of this Act, the President shall transmit to  
21 Congress a report that assesses whether economic and  
22 trade agreements between the United States and Taiwan  
23 may be submitted to the Senate for advice and consent  
24 as a treaty or whether, because of Taiwan's unique status,

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25

- 1 such agreements must be submitted to both the House of
- 2 Representatives and Senate for legislative approval.



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Mr. CHABOT. I will now recognize myself for the purpose of making a brief opening statement. I have promised my colleagues that we will try to keep this short, so I will not use all of my 5 minutes.

First, let me thank the ranking member, Mr. Faleomavaega, for his assistance in crafting this bipartisan amendment in the nature of a substitute and I, of course, want to commend and thank Chairwoman Ros-Lehtinen for sponsoring this legislation; we will hear from her very shortly.

I am proud to be a cosponsor in this Congress, as I have been in the past, and as my colleagues know, the Taiwan Policy Act was adopted unanimously by the Foreign Affairs Committee in November 2011. I hope it will be adopted this afternoon in this subcommittee in a similar fashion.

As one of the original founding co-chairs of the Congressional Taiwan Caucus, I am a strong supporter of this legislation that would strengthen the relationship between our two Nations. I want to emphasize the word two Nations. Taiwan is a democracy. It is a loyal friend and ally, and it deserves to be treated as such by the United States Government.

I won't go through the bill point by point, but I do want to focus on a couple of issues. First, one only needs to look at a map to see that Taiwan sits in a very dangerous part of the world. When I first came to Congress in 1995, Communist China had a number of missiles pointed at Taiwan and each year since, that number has grown from a couple of hundred to approximately 1,600 short- and medium-range ballistic missiles aimed at Taiwan today, our friend and ally.

Since 2006, Taiwan has been unsuccessful in procuring new F-16 C/D fighter jets. I am told that the Obama administration currently "has under consideration" an arms sale package that may include the F-16 C/D. This legislation would authorize those sales and would provide a very important security shield to Taiwan as it faces potential aggression from China.

I also want to briefly discuss a matter which this legislation addresses, the issue of restrictions on diplomatic visits by high ranking Taiwanese officials, which is something I have always felt is both insulting and counterproductive. I can remember joining a number of my colleagues, about 25 years ago flying up to New York City one evening after votes—about 25 of us went—to meet with then Taiwanese President Chen Shui-bian, a democratically-elected leader and a great friend of the United States. We traveled to New York to meet with him because he was not allowed to travel to our capital here in Washington, DC, because it might offend the bullies in Beijing.

I remember veiled threats from Communist China when former Taiwan President Lee Teng-hui, known as the father of Taiwanese democracy, wanted to visit his alma mater at Cornell University. And I vividly remember meeting Taiwanese legislator Mark Chen in our Capitol here in Washington. Only a few weeks later, I had to travel to Baltimore to meet with him because he had become Foreign Minister, and because of his new position, he was no longer welcome to Washington.

That is just plain nonsense. The Taiwan Policy Act before us this afternoon will address that issue by permitting senior leaders of



Taiwan to enter the United States under conditions of appropriate respect and permit meetings between high level Taiwanese and U.S. officials in all U.S. Executive departments.

This is an excellent bill, which in a number of areas, strengthens our relationship with our friend and ally. I urge my colleagues to support it. I will now recognize my good friend from American Samoa, the ranking member of this subcommittee, Eni Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman, and I want to commend you for your leadership and initiative that you have taken also in working closely with our colleague, Chairwoman Ros-Lehtinen, in crafting this piece of legislation which I think is a positive direction in terms of making sure that the leaders of the people of Taiwan are given every expression of self-determination in their ability to practice a democratic form of government, as they are doing now. And doing so, too, Mr. Chairman, I want to recognize the presence of the gentleman, not only was he the author and the primary moving force in establishing what we then passed into law, which is the Taiwan Relations Act, a former chairman of this subcommittee, the gentleman from New York, my dear friend, and I am sure you know him, Congressman Lester Wolf. He is here with us. I appreciate your being here with us, Congressman Wolf.

And I think the cornerstone of this whole Taiwan Relations Act as it relates to some of the changes that we are about to make in amending some of the provisions are the fact that we want to be absolutely certain that the people and the leaders of Taiwan continue to practice their democracy. And as you know, it is my understanding that in the advent of what happened in the, how the whole world had changed its course in terms of President Nixon's ability then to provide a dialogue and then eventually I guess you might say literally changed the course of history in looking at and Taiwan was one of the probably the central issue of whether or not the leaders of China were going to establish a better working relationship with our country. And as it turned out, Taiwan was left purposely to the extent if there is ever a, my understanding in principle, that if there is ever to be change on the political landscape in terms of how Taiwan is to be governed, it is to be done peacefully between the people and the leaders of Beijing as well as with the leaders of the people of Taiwan.

And I think the Taiwan Relations Act has been that bastion of making sure that the people of Taiwan are fully protected in that regard of their right of self-determination and democracy.

What happens in the future? As you know, the advent of what has happened in recent years is the elections where the people of Taiwan have made their wishes known for a different policy in terms of how to deal with Beijing in that respect in terms of its political status. That is entirely left out. But on the question of promoting greater economic and trade relations between Beijing and Taiwan, this has become true now. What I have always been curious about, Mr. Chairman, is the fact that before this change of policy, in actuality, Taiwan and China have had over a \$100-billion trade relationship unofficially and informally for all those years prior to this change now where now they are a better closer work-

ing relationship as far as economics and trade development is concerned.

So with that, I want to commend you again for your bringing this piece of legislation before the committee. And as I said, I do support the principles and what you are trying to achieve here, and I look forward to working with our colleagues to see if there are any other positive amendments that will be helpful in bringing this legislation to a successful completion before we move it on to the full committee.

And with that, Mr. Chairman, I yield back.

Mr. CHABOT. Thank you. The gentleman yields back. I would like to thank the ranking member for his statement.

I would now like to recognize the gentlelady from Florida, the former chair of the full Foreign Affairs Committee and now the chair of the Subcommittee on the Middle East, Ileana Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. I thank you deeply, and Mr. Faleomavaega, and I thank your dedicated, hardworking staff for working with my lazy bones—no—with my also hardworking dedicated staff in order to bring this bipartisan bill to markup this afternoon.

I would also like to thank the co-chairs of the Congressional Taiwan Caucus, Albio Sires, Mario Diaz-Balart, Gerry Connolly, and John Carter, for fully supporting and cosponsoring this important legislation.

I am so glad that you pointed out Mr. Wolf's attendance here today because he knows how important the Taiwan Relations Act has been to the relation between our two Nations, the cornerstone of our policy, and Taiwan continues to be such an essential ally of the United States. This bill reiterates to the world, and more importantly, it tells the Taiwanese people just how deeply we value that friendship.

This bill will further strengthen our relations by, as you already had pointed out in your opening statements, permitting senior Taiwanese leaders to meet with U.S. officials in all executive branches, authorizing the sale of F-16 C/D fighter aircraft to the Armed Forces of Taiwan, authorizing the transfer of decommissioned class guided missile frigates to Taiwan and supporting Taiwan membership in international organizations such as the United Nations and the International Civil Aviation Organization.

So Mr. Chairman, Mr. Ranking Member, thank you again for your hard work in bringing this bill to markup. It is an important step forward in solidifying our close alliance with our democratic ally, Taiwan, and I urge my colleagues to support its passage. I thank you so much, Mr. Chairman and Ranking Member.

Mr. CHABOT. I thank the gentlelady and she yields back.

Mr. FALEOMAVAEGA. Will the chairman yield?

Mr. CHABOT. Yes.

Mr. FALEOMAVAEGA. Mr. Chairman, I just want to thank my dear friend from Florida for her comments and want to note of interest is the fact that Taiwan currently has formal diplomatic relations with 23 nations in the world and this is something of an irony in terms of how do we work out a situation in terms of dealing with Taiwan. And as you mentioned earlier, I remember distinctly when

President Lee tried to visit his alma mater, Cornell University, where he received his doctorate in agricultural science and there was a big boo-hoo as to what is wrong the making a visit just for academic purposes and to do that, and I recall that very distinctly that caused an international, which to me it is really not that, I think it was, it is very good. We need to open this up.

If we allow countries that are of highly questionable reputation for their leaders to come to our country, why are we not extending the same courtesy for leaders and people like Taiwan that practice democracy?

Thank you.

Mr. CHABOT. Thank you. The Chair will reclaim the time.

I would also like to acknowledge, as some of my colleagues have, the importance of Congressman Wolf. We worked together and have seen each other in Taiwan and here in the United States and New York and elsewhere working on Taiwan-American issues and I thank you for your leadership both in Congress and since you have left, Congressman.

Are there other members who would like to speak on Taiwan?

The gentleman from Pennsylvania, Mr. Perry, is recognized.

Mr. PERRY. Thank you, Mr. Chairman. And thank you Ranking Member. U.S.-Taiwan ties today undoubtedly remain strong; however, our operative approach to this vital relationship is currently shackled by many self-imposed and counterproductive constraints that exacerbate Taiwan's diplomatic, political and economic isolation. While China has increased its leverage and pressure on Taiwan forcing it into its orbit, we are missing opportunities to leverage Taiwan's considerable strengths and capabilities as a reliable and like-minded partner in confronting common challenges.

In light of the momentous challenges that have occurred both within and outside of Taiwan over the last few decades, it is time for us to formulate a new vision in Washington for a bilateral relationship. I believe we shall break through the barriers of conventional wisdom and mainstream thinking and work toward the normalization of relations with Taiwan as we did 40 years ago with China.

I believe as you do, Mr. Chairman, that the legislation we are considering today will do just that, and I thank you and the ranking member, and I yield back.

Mr. CHABOT. The gentleman yields back. Are there any other members who would like to make a statement?

The gentleman from California, Mr. Rohrabacher, is recognized.

Mr. ROHRABACHER. Mr. Chairman, 2 years ago, when we were debating this issue, there was a side, a little side issue there that was going on and that was—but it was very indicative of what the Taiwan Relations Act and what Taiwan is all about. And what it was is the Falun Gong, which is of course a Chinese native religious organization dealing with yoga and meditation, who are now being brutally suppressed by the Communist Chinese regime in Beijing, that they had over the years been able to broadcast on a television satellite that was located in Taiwan and actually a majority of the share of it is owned by the Taiwan Government, well, during the last, 2 years ago, there was a discussion about Taiwan making friends with Beijing by basically joining in on this suppres-

sion of the Falun Gong by not letting them have access to these TV broadcasts. And I called up President Ma at the time and asked him to take that into consideration, to please permit the Falun Gong to continue their broadcasts otherwise, and this is very symbolic to those of us who want to know whether or not standing up for Taiwan, why should we stand up for them if they are doing things like this? And let me add that the Taiwanese Government, President Weng responded, and the Falun Gong were not kicked off the TV station.

Let us hope this year I would again call on the Taiwan Government because 2 years ago they only got a 2-year contract and they are up again, and I would hope that the people of Taiwan, especially the government in Taiwan, if it needs to be treated with any special consideration, it won't be given that or they can't expect that if they are treating—if they are doing the bidding of the Communist Chinese regime in Beijing by entering into the suppression of the Falun Gong.

So I would hope that they would continue to permit this group to have access to the airwaves and demonstrate that they are an independent and free country.

Thank you very much, Mr. Chairman.

Mr. CHABOT. Thank you very much. Having met with Falun Gong myself many times over the years, I think the gentleman's remarks are absolutely correct and the repression that they have seen, particularly in China, is shameful and some of the photos of the torture they have gone through are extremely disturbing. Thank you for raising the issue.

Are there other members that would like to make a statement? If not, are there any amendments?

Hearing no amendments, then, the question occurs on the motion to report the bill favorably, as amended.

All those in favor, signify by saying aye.

Opposed, no.

The ayes have it in the opinion of the Chair, and the motion is approved.

Without objection, the bill will be reported favorably to the full committee in the form of a single amendment in the nature of a substitute and the staff is directed to make any technical and conforming amendments.

I want to thank all our members and staff and others who are interested in being here today and for their assistance and cooperation in today's markup.

If there is no further business to come before the subcommittee, the subcommittee is adjourned. Thank you.

[Whereupon, at 2:30 p.m., the subcommittee was adjourned.]

# A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING RECORD

**SUBCOMMITTEE MARKUP NOTICE**  
**COMMITTEE ON FOREIGN AFFAIRS**  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C.

**Subcommittee on Asia and the Pacific**  
**Steve Chabot (R-OH), Chairman**

April 18, 2013

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN meeting of the Subcommittee on Asia and the Pacific, to be held in Room 2255 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

**DATE:** Thursday, April 25, 2013

**TIME:** 2:00 p.m.

**MARKUP OF:** H.R. 419, To strengthen and clarify the commercial, cultural, and other relations between the people of the United States and the people of Taiwan, as codified in the Taiwan Relations Act, and for other purposes.

**By Direction of the Chairman**

*The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.*



**COMMITTEE ON FOREIGN AFFAIRS**  
MINUTES OF SUBCOMMITTEE MARKUP

MINUTES OF SUBCOMMITTEE ON Asia & the Pacific MARKUP

Day Thursday Date 4/25/13 Room 2255

Starting Time 2:12PM Ending Time 2:29PM

Recesses  (\_\_\_ to \_\_\_) (\_\_\_ to \_\_\_) (\_\_\_ to \_\_\_) (\_\_\_ to \_\_\_) (\_\_\_ to \_\_\_) (\_\_\_ to \_\_\_)

Presiding Member(s)

*Chairman Steve Chabot (R-OH)*

Check all of the following that apply:

Open Session

Executive (closed) Session

Televised

Electronically Recorded (taped)

Stenographic Record

**BILLS FOR MARKUP:** (Include bill number(s) and title(s) of legislation.)

*H.R. 419, Taiwan Policy Act of 2013, To strengthen and clarify the commercial, cultural, and other relations between the people of the United States and the people of Taiwan, as codified in the Taiwan Relations Act, and for other purposes.*

**COMMITTEE MEMBERS PRESENT:**

*Ranking Member Eni F.H. Faleomavaega (D-AS), Dana Rohrabacher (R-CA), Mo Brooks (R-AL), Scott Perry (R-PA), Doug Collins (R-GA), Ami Bera (D-CA)*

**NON-COMMITTEE MEMBERS PRESENT:**

*Ileana Ros-Lehtinen (R-FL)*

**STATEMENTS FOR THE RECORD:** (List any statements submitted for the record.)

**ACTIONS TAKEN DURING THE MARKUP:** (Attach copies of legislation and amendments.)

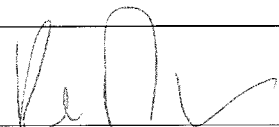
*The Chair called up the legislation for the consideration by the Subcommittee. An amendment in the nature of a substitute was offered by Chairman Chabot was agreed to by voice vote. H.R. 419, as amended, was agreed to by the voice vote, and was ordered favorably reported to the full Committee by unanimous consent.*

**RECORDED VOTES TAKEN (FOR MARKUP):** (Attach final vote tally sheet listing each member.)

<u>Subject</u>	<u>Yeas</u>	<u>Nays</u>	<u>Present</u>	<u>Not Voting</u>
<i>N/A - Voice Vote</i>				

TIME SCHEDULED TO RECONVENE \_\_\_\_\_

or  
TIME ADJOURNED 2:29PM

  
Subcommittee Staff Director