unsigned, of any Letters of Offer and Acceptance with respect to such requests.

''(d) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

''(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

''(2) DEFENSE ARTICLE; DEFENSE SERVICE.—The terms 'defense article' and 'defense service' have the meanings given such terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

''(3) LETTER OF REQUEST; LETTER OF OFFER AND ACCEPTANCE.—The terms 'Letter of Request' and 'Letter of Offer and Acceptance' have the meanings given such terms for purposes of Chapter 5 of the Security Assistance Management Manual of the Defense Security Cooperation Agency, as in effect on the date of the enactment of this Act.''

CONSULTATION WITH CONGRESS WITH REGARD TO TAIWAN

Pub. L. 107–228, div. B, title XII, §1263, Sept. 30, 2002, 116 Stat. 1434, provided that: ''Beginning 180 days after the date of enactment of this Act [Sept. 30, 2002], and every 180 days thereafter, the President shall provide detailed briefings to and consult with the appropriate congressional committees regarding the United States security assistance to Taiwan, including the provision of defense articles and defense services.''

[For definitions of ''appropriate congressional committees'', ''defense article'', and ''defense service'' as used in section 1263 of Pub. L. 107–228, set out above, see section 3 of Pub. L. 107–228, set out as a note under section 2651 of this title and section 1002 of Pub. L. 107–228, set out as a note under section 2151 of this title.]

TRANSFER OF WAR RESERVE MATERIEL AND OTHER PROPERTY TO TAIWAN

Pub. L. 96–92, §23, Oct. 29, 1979, 93 Stat. 710, authorized President, during calendar year 1980, to transfer to Taiwan, under such terms and conditions as he may deem appropriate, United States war reserve materiel that was located on Taiwan on Jan. 1, 1979, and during calendar years 1979 and 1980, to transfer to Taiwan, under such terms and conditions as he may deem appropriate, rights of the United States in property (other than war reserve materiel) that was located on Taiwan on Jan. 1, 1979.

§3303. Application to Taiwan of laws and international agreements

(a) Application of United States laws generally

The absence of diplomatic relations or recognition shall not affect the application of the laws of the United States with respect to Taiwan, and the laws of the United States shall apply with respect to Taiwan in the manner that the laws of the United States applied with respect to Taiwan prior to January 1, 1979.

(b) Application of United States laws in specific and enumerated areas

The application of subsection (a) of this section shall include, but shall not be limited to, the following:

(1) Whenever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan.

(2) Whenever authorized by or pursuant to the laws of the United States to conduct or carry out programs, transactions, or other relations with respect to foreign countries, nations, states, governments, or similar entities, the President or any agency of the United States Government is authorized to conduct and carry out, in accordance with section 3305 of this title, such programs, transactions, and other relations with respect to Taiwan (including, but not limited to, the performance of services for the United States through contracts with commercial entities on Taiwan), in accordance with the applicable laws of the United States.

(3)(A) The absence of diplomatic relations and recognition with respect to Taiwan shall not abrogate, infringe, modify, deny, or otherwise affect in any way any rights or obligations (including but not limited to those involving contracts, debts, or property interests of any kind) under the laws of the United States heretofore or hereafter acquired by or with respect to Taiwan.

(B) For all purposes under the laws of the United States, including actions in any court in the United States, recognition of the People's Republic of China shall not affect in any way the ownership of or other rights or interests in properties, tangible and intangible, and other things of value, owned or held on or prior to December 31, 1978, or thereafter acquired or earned by the governing authorities on Taiwan.

(4) Whenever the application of the laws of the United States depends upon the law that is or was applicable on Taiwan or compliance therewith, the law applied by the people on Taiwan shall be considered the applicable law for that purpose.

(5) Nothing in this chapter, nor the facts of the President's action in extending diplomatic recognition to the People's Republic of China, the absence of diplomatic relations between the people on Taiwan and the United States, or the lack of recognition by the United States, and attendant circumstances thereto, shall be construed in any administrative or judicial proceeding as a basis for any United States Government agency, commission, or department to make a finding of fact or determination of law, under the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.] and the Nuclear Non-Proliferation Act of 1978 [22 U.S.C. 3201 et seq.], to deny an export license application or to revoke an existing export license for nuclear exports to Taiwan.

(6) For purposes of the Immigration and Nationality Act [8 U.S.C. 1101 et seq.], Taiwan may be treated in the manner specified in the first sentence of section 202(b) of that Act [8 U.S.C. 1152(b)].

(7) The capacity of Taiwan to sue and be sued in courts in the United States, in accordance with the laws of the United States, shall not be abrogated, infringed, modified, denied, or otherwise affected in any way by the absence of diplomatic relations or recognition.

(8) No requirement, whether expressed or implied, under the laws of the United States with respect to maintenance of diplomatic relations or recognition shall be applicable with respect to Taiwan.

(c) Treaties and other international agreements

For all purposes, including actions in any court in the United States, the Congress approves the continuation in force of all treaties and other international agreements, including multilateral conventions, entered into by the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and in force between them on December 31, 1978, unless and until terminated in accordance with law.

(d) Membership in international financial institutions and other international organizations

Nothing in this chapter may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.

(Pub. L. 96–8, § 4, Apr. 10, 1979, 93 Stat. 15.)

Editorial Notes

REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in subsec. (b)(5), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 919, which is classified principally to chapter 23 (§ 2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

The Nuclear Non-Proliferation Act of 1978, referred to in subsec. (b)(5), is Pub. L. 95–242, Mar. 10, 1978, 92 Stat. 120, which is classified principally to chapter 47 (§ 3201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3201 of this title and Tables.

The Immigration and Nationality Act, referred to in subsec. (b)(6), is act June 27, 1952, ch. 477, 66 Stat. 163, which is classified principally to chapter 12 (§ 1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

Statutory Notes and Related Subsidiaries

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.

CONCERNING THE PARTICIPATION OF TAIWAN IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

Pub. L. 113–17, § 1, July 12, 2013, 127 Stat. 480, directed the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization (ICAO) Assembly and other related meetings, activities, and mechanisms thereafter, to instruct the United States Mission to the ICAO to officially request observer status for Taiwan at such Assembly, meetings, activities, and mechanisms, to actively urge ICAO member states to support such observer status and participation for Taiwan, and to submit a report to Congress on the strategy developed by not later than 30 days after July 12, 2013.

SEMIANNUAL REPORTS ON UNITED STATES SUPPORT FOR MEMBERSHIP OR PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS

Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title VII, § 704], Nov. 29, 1999, 113 Stat. 1536, 1501A–460, provided that:

''(a) REPORTS REQUIRED.—Not later than 60 days after the date of enactment of this Act [Nov. 29, 1999], and every 6 months thereafter for fiscal years 2000 and 2001, the Secretary of State shall submit to Congress a report in a classified and unclassified manner on the status of efforts by the United States Government to support—

''(1) the membership of Taiwan in international organizations that do not require statehood as a prerequisite to such membership; and

''(2) the appropriate level of participation by Taiwan in international organizations that may require statehood as a prerequisite to full membership.

''(b) REPORT ELEMENTS.—Each report under subsection (a) shall—

''(1) set forth a comprehensive list of the international organizations in which the United States Government supports the membership or participation of Taiwan;

''(2) describe in detail the efforts of the United States Government to achieve the membership or participation of Taiwan in each organization listed; and

''(3) identify the obstacles to the membership or participation of Taiwan in each organization listed, including a list of any governments that do not support the membership or participation of Taiwan in each such organization.''

§ 3304. Overseas Private Investment Corporation

(a) Removal of per capita income restriction on Corporation activities with respect to investment projects on Taiwan

During the three-year period beginning on April 10, 1979, the $1,000 per capita income restriction in clause (2) of the second undesignated paragraph of section 2191[1] of this title shall not restrict the activities of the Overseas Private Investment Corporation in determining whether to provide any insurance, reinsurance, loans, or guaranties with respect to investment projects on Taiwan.

(b) Application by Corporation of other criteria

Except as provided in subsection (a) of this section, in issuing insurance, reinsurance, loans, or guaranties with respect to investment projects on Taiwan, the Overseas Private Insurance[2] Corporation shall apply the same criteria as those applicable in other parts of the world.

(Pub. L. 96–8, § 5, Apr. 10, 1979, 93 Stat. 16.)

Editorial Notes

REFERENCES IN TEXT

Section 2191 of this title, referred to in subsec. (a), was repealed by Pub. L. 115–254, div. F, title VI, § 1464(2), Oct. 5, 2018, 132 Stat. 3513.

Statutory Notes and Related Subsidiaries

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.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Overseas Private Investment Corporation to the United States International Development Finance Corporation and treatment of related references, see sections 9683 and 9686(d) of this title.

[1] See References in Text note below.

[2] So in original. Probably should be ''Investment''.