

112TH CONGRESS  
2D SESSION

# H. R. 5902

To establish a Congressional Advisory Commission on the Implementation  
of United States Policy under the Taiwan Relations Act.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2012

Mr. ANDREWS introduced the following bill; which was referred to the  
Committee on Foreign Affairs

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## A BILL

To establish a Congressional Advisory Commission on the  
Implementation of United States Policy under the Tai-  
wan Relations Act.

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. FINDINGS; PURPOSE.**

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

5               (1) The Taiwan Relations Act (Public Law 96–  
6               8; 22 U.S.C. 3301 et seq.), enacted in 1979, has  
7               continued for 33 years to be the cornerstone of  
8               United States–Taiwan relations and has served as  
9               an anchor for peace and security in the Western Pa-  
10              cific region.

1           (2) The Taiwan Relations Act declares that it  
2       is the policy of the United States—

3           (A) to preserve and promote extensive,  
4       close, and friendly commercial, cultural, and  
5       other relations between the people of the United  
6       States and the people on Taiwan, as well as the  
7       people on the China mainland and all other peo-  
8       ples of the Western Pacific area;

9           (B) to declare that peace and stability in  
10      the area are in the political, security, and eco-  
11      nomic interests of the United States, and are  
12      matters of international concern;

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

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

23          (E) to provide Taiwan with arms of a de-  
24      fensive character; and

1 (F) to maintain the capacity of the United  
2 States to resist any resort to force or other  
3 forms of coercion that would jeopardize the se-  
4 curity, or the social or economic system, of the  
5 people on Taiwan.

6 (3) Nothing contained in the Taiwan Relations  
7 Act shall contravene the interest of the United  
8 States in human rights, especially with respect to  
9 the human rights of all the approximately  
10 23,000,000 inhabitants of Taiwan. The preservation  
11 and enhancement of the human rights of all the peo-  
12 ple on Taiwan are hereby reaffirmed as objectives of  
13 the United States.

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

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

1           (6) The anti-secession law, passed by the Na-  
2           tional People’s Congress of the People’s Republic of  
3           China, was found by House Concurrent Resolution  
4           98, passed in the House of Representatives on  
5           March 16, 2005, “to provide a legal justification for  
6           the use of force against Taiwan, altering the status  
7           quo in the region, and thus is of grave concern to  
8           the United States.”.

9           (7) The 2011 Department of Defense’s Annual  
10          Report to Congress on “Military and Security Devel-  
11          opments Involving the People’s Republic of China”  
12          noted that the People’s Liberation Army “seeks the  
13          capability to deter Taiwan independence and influ-  
14          ence Taiwan to settle the dispute on Beijing’s  
15          terms” while “developing capabilities intended to  
16          deter, delay, or deny possible U.S. support for the  
17          island in the event of conflict. The balance of cross-  
18          Strait military forces and capabilities continues to  
19          shift in the mainland’s favor.”. The report also  
20          states the PLA has deployed between 1,000 and  
21          1,200 short-range ballistic missiles (SRBM) to units  
22          opposite Taiwan.

23          (8) The United States has sought diplomatically  
24          to preserve Taiwan’s international space, and has  
25          sought to secure Taiwan’s meaningful participation

1 in such international organizations as the World  
2 Health Organization (WHO).

3 (9) The total value of trade between the United  
4 States and Taiwan in 2011 was approximately  
5 67,200,000,000, and Taiwan ranked as the 10th  
6 largest trading partner of the United States.

7 (10) Given that the Taiwan Relations Act  
8 states that it is the policy of the United States to  
9 “preserve and promote extensive, close, and friendly  
10 commercial, cultural, and other relations between  
11 the people of the United States and the people on  
12 Taiwan,” it is in the economic interests of the  
13 United States and the national security interests of  
14 Taiwan for our two peoples to further strengthen  
15 their trade and investment ties.

16 (b) PURPOSE.—The purpose of this Act is to estab-  
17 lish a commission to review and report to Congress on the  
18 implementation of the Taiwan Relations Act and on  
19 United States policy in regard to Taiwan since 2000.

20 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

21 There is established in the legislative branch the Con-  
22 gressional Advisory Commission on the Implementation of  
23 United States Policy under the Taiwan Relations Act.

24 **SEC. 3. DUTIES.**

25 The Commission shall—

1           (1) assess the sufficiency of defense articles and  
2           services made available to Taiwan by the United  
3           States for the purpose of maintaining Taiwan's self-  
4           defense capability, including whether Taiwan's air  
5           and air defense forces retain the ability to effectively  
6           defend Taiwan against the ballistic missile and air  
7           threats posed by the People's Republic of China;

8           (2) review the operational planning, policy re-  
9           views, and other preparations of the United States  
10          since 2000 to implement section 2(b)(6) and sub-  
11          sections (a), (b), and (c) of section 3 of the Taiwan  
12          Relations Act, and evaluate the compliance of these  
13          processes with the requirements of section 3(2) of  
14          the Taiwan Relations Act and the Six Assurances  
15          provided to Taiwan in July 1982;

16          (3) identify current and potential threats to the  
17          security, social, or economic system of the people on  
18          Taiwan, and assess the extent to which the United  
19          States retains the capability to resist any resort to  
20          force or other forms of coercion that would jeop-  
21          ardize the security, social, or economic system, of  
22          the people on Taiwan;

23          (4) evaluate the sufficiency and effectiveness of  
24          measures undertaken by the United States since  
25          2000 to continue and promote extensive commercial,

1 cultural, and other relations between the people of  
2 the United States and the people on Taiwan, and  
3 recommend future steps for strengthening trade and  
4 investment ties with Taiwan in furtherance of the  
5 United States national economic and security inter-  
6 ests;

7 (5) review the measures undertaken by the  
8 United States since 2000 with regard to the preser-  
9 vation and enhancement of the human rights of all  
10 the people on Taiwan, including the strengthening of  
11 democratic governance and rule of law in accordance  
12 with section 2(3) of the Taiwan Relations Act;

13 (6) identify and recommend available United  
14 States policy options to assist Taiwan in broadening  
15 its international space, including Taiwan's ability to  
16 participate meaningfully in the World Health Orga-  
17 nization and other international organizations, and  
18 to ensure that the future of Taiwan will be deter-  
19 mined by peaceful means, taking into account the  
20 forms and effectiveness of any coercive strategies  
21 undertaken by the People's Republic of China to un-  
22 dermine Taiwan's freedom of action; and

23 (7) make findings and recommendations on  
24 available policy options for the United States to ad-  
25 vance toward a normalization of the relationship

1 with the Government of Taiwan, including the desir-  
2 ability of such measures as the resumption of visits  
3 by cabinet-level officials between the United States  
4 and Taiwan and requiring the advice and consent of  
5 the Senate for the individual appointed by the Presi-  
6 dent to serve as the Director of the American Insti-  
7 tute in Taiwan.

8 **SEC. 4. COMPOSITION.**

9 (a) MEMBERS.—The Commission shall be composed  
10 of five members, of whom—

11 (1) one member shall be appointed by the  
12 President;

13 (2) one member shall be appointed by the ma-  
14 jority leader of the Senate;

15 (3) one member shall be appointed by the  
16 Speaker of the House of Representatives;

17 (4) one member shall be appointed by the mi-  
18 nority leader of the Senate; and

19 (5) one member shall be appointed by the mi-  
20 nority leader of the House of Representatives.

21 (b) DEADLINE FOR APPOINTMENT.—All members of  
22 the Commission should be appointed within 90 days after  
23 the date of enactment of this Act.

24 (c) QUALIFICATIONS.—

1           (1) IN GENERAL.—All members of the Commis-  
2           sion shall be persons who are especially qualified to  
3           serve on the Commission by virtue of their edu-  
4           cation, training, or experience in the field of foreign  
5           policy, national security, military affairs, or East  
6           Asian politics.

7           (2) POLITICAL PARTY AFFILIATION.—Not more  
8           than three members of the Commission may be  
9           members of or affiliated with the same political  
10          party.

11          (d) CHAIRPERSON.—The Commission shall select a  
12          Chairperson from among its members.

13          (e) VACANCIES.—If a vacancy occurs in the member-  
14          ship of the Commission, it shall be filled in the manner  
15          in which the original appointment was made.

16   **SEC. 5. PROCEEDINGS.**

17          (a) MEETINGS.—The Commission shall hold its first  
18          meeting not later than 120 days after the enactment of  
19          this Act, and shall meet thereafter at the call of the chair-  
20          person or a majority of its members. Three members of  
21          the commission shall constitute a quorum.

22          (b) HEARINGS.—

23                (1) IN GENERAL.—The Commission may, for  
24                the purposes of carrying out this Act, hold hearings,  
25                sit and act at such times and places, request the at-

1       tendance of witnesses and take testimony from such  
2       witnesses, and receive evidence as the Commission  
3       considers appropriate.

4               (2) AVAILABILITY TO PUBLIC.—The Commis-  
5       sion should conduct its hearings in public to the ex-  
6       tent that the Commission considers it appropriate.

7       (c) CONSIDERATION AND USE OF EXISTING STUD-  
8       IES.—In carrying out its duties, the Commission shall con-  
9       sider and use, to the extent it deems appropriate, any  
10      studies that have been conducted by other entities on the  
11      subjects described in section 3 so as to avoid unnecessary  
12      duplication.

13   **SEC. 6. STAFF.**

14       The Commission is authorized to hire staff to assist  
15      the Commission in carrying out its duties.

16   **SEC. 7. REPORT.**

17       Not later than 1 year after the date of the Commis-  
18      sion's first meeting, the Commission shall submit to Con-  
19      gress a report in writing containing the findings and con-  
20      clusions of the Commission and agreed to by a majority  
21      of the members of the Commission, including any rec-  
22      ommendations the Commission finds necessary to improve  
23      implementation of United States policy under the Taiwan  
24      Relations Act.

1 **SEC. 8. TERMINATION.**

2 (a) IN GENERAL.—The Commission, and all of its  
3 authorities under this Act, shall terminate 60 days after  
4 the date on which the report is submitted to Congress  
5 under section 7.

6 (b) CONCLUSION OF ACTIVITIES.—The Commission  
7 may use the 60-day period referred to in subsection (a)  
8 for the purpose of concluding its activities, including pro-  
9 viding testimony to committees of Congress and dissemi-  
10 nating its report to the public.

11 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated for fiscal year  
13 2013 \$500,000 to carry out this Act.

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