

**(e) Omitted****(f) Access by Secretary of Defense to information regarding nuclear proliferation matters; applicability**

(1) The Secretary of Defense shall have access, on a timely basis, to all information regarding nuclear proliferation matters which the Secretary of State or the Secretary of Energy has or is entitled to have. Such access shall include access to all communications, materials, documents, and records relating to nuclear proliferation matters.

(2) This subsection does not apply to any intradepartmental document of the Department of State or the Department of Energy, or any portion of such document, that is solely concerned with internal, confidential advice on policy concerning the conduct of interagency deliberations on nuclear proliferation matters.

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

## CODIFICATION

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

## AMENDMENTS

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

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

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

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

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

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

## CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

## EFFECTIVE DATE OF 1998 AMENDMENT

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

## PROVISION OF CERTAIN INFORMATION TO CONGRESS

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

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

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

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6304 of this title.

## CHAPTER 48—TAIWAN RELATIONS

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| Sec.  |  |
| 3301. | Congressional findings and declaration of policy. <ul style="list-style-type: none"> <li>(a) Findings.</li> <li>(b) Policy.</li> <li>(c) Human rights.</li> </ul>  |
| 3302. | Implementation of United States policy with regard to Taiwan. <ul style="list-style-type: none"> <li>(a) Defense articles and services.</li> <li>(b) Determination of Taiwan's defense needs.</li> <li>(c) United States response to threats to Taiwan or dangers to United States interests.</li> </ul>   |
| 3303. | Application to Taiwan of laws and international agreements. <ul style="list-style-type: none"> <li>(a) Application of United States laws generally.</li> <li>(b) Application of United States laws in specific and enumerated areas.</li> <li>(c) Treaties and other international agreements.</li> <li>(d) Membership in international financial institutions and other international organizations.</li> </ul> |
| 3304. | Overseas Private Investment Corporation. <ul style="list-style-type: none"> <li>(a) Removal of per capita income restriction on Corporation activities with respect to investment projects on Taiwan.</li> <li>(b) Application by Corporation of other criteria.</li> </ul>  |
| 3305. | The American Institute in Taiwan. <ul style="list-style-type: none"> <li>(a) Conduct of programs, transactions, or other relations with respect to Taiwan.</li> <li>(b) Agreements or transactions relative to Taiwan entered into, performed, and enforced.</li> <li>(c) Preemption of laws, rules, regulations, or ordinances of District of Columbia, States, or political subdivisions of States.</li> </ul> |
| 3306. | Services to United States citizens on Taiwan.  |

- Sec.
- (a) Authorized services.  
(b) Acts by authorized employees.
3307. Exemption from taxation.  
(a) United States, State, or local taxes.  
(b) Charitable contributions; transfers for public, charitable, and religious uses; charitable and similar gifts.
3308. Activities of United States Government agencies.  
(a) Sale, loans, or lease of property; administrative and technical support functions and services.  
(b) Acquisition and acceptance of services.  
(c) Institute books and records; access; audit.
3309. Taiwan instrumentality.  
(a) Establishment of instrumentality; Presidential determination of necessary authority.  
(b) Offices and personnel.  
(c) Privileges and immunities.
3310. Employment of United States Government agency personnel.  
(a) Separation from Government service; reemployment or reinstatement upon termination of Institute employment; benefits.  
(b) Employment of aliens on Taiwan.  
(c) Institute employees not deemed United States employees.  
(d) Tax treatment of amounts paid Institute employees.
- 3310a. Commercial personnel at American Institute of Taiwan.
3311. Reporting requirements.  
(a) Texts of agreements to be transmitted to Congress; secret agreements to be transmitted to Senate Foreign Relations Committee and House Foreign Affairs Committee.  
(b) Agreements.  
(c) Congressional notification, review, and approval requirements and procedures.
3312. Rules and regulations.
3313. Congressional oversight.  
(a) Monitoring activities of Senate Foreign Relations Committee, House Foreign Affairs Committee, and other Congressional committees.  
(b) Committee reports to their respective Houses.
3314. Definitions.
3315. Authorization of appropriations.
3316. Severability.

### § 3301. Congressional findings and declaration of policy

#### (a) Findings

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

(1) to help maintain peace, security, and stability in the Western Pacific; and

(2) to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan.

#### (b) Policy

It is the policy of the United States—

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

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

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

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

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

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

#### (c) Human rights

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

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

#### EFFECTIVE DATE

Section 18 of Pub. L. 96-8 provided that: "This Act [enacting this chapter] shall be effective as of January 1, 1979."

#### SHORT TITLE

Section 1 of Pub. L. 96-8 provided that: "This Act [enacting this chapter] may be cited as the 'Taiwan Relations Act'."

#### EXECUTIVE ORDER NO. 12143

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

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

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

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

SECTION 1. *Delegation and Reservation of Functions.*