

119TH CONGRESS
1ST SESSION

S. _____

To codify the Six Assurances to Taiwan, provide congressional review of the Six Assurances, protect Taiwan from coercion, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CURTIS (for himself and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To codify the Six Assurances to Taiwan, provide congressional review of the Six Assurances, protect Taiwan from coercion, 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 “Six Assurances to Tai-
5 wan Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Taiwan is a free and prosperous democracy
2 of more than 23,000,000 people and an important
3 economic partner to the United States.

4 (2) The People's Republic of China (PRC) has
5 long sought to subjugate Taiwan and has not re-
6 nounced the use of force to do so.

7 (3) The United States longstanding One-China
8 Policy, which is guided by the Taiwan Relations Act
9 (Public Law 96-8), the three United States-China
10 Joint Communiqués, and the Six Assurances, has
11 guided United States-Taiwan relations across suc-
12 cessive administrations and contributed to peace and
13 stability in the Indo-Pacific.

14 (4) From July to August 1982, before and im-
15 mediately after the release of the United States-
16 China Joint Communiqué on United States Arms
17 Sales to Taiwan ("the 1982 Joint Communiqué") on
18 August 17, 1982, the Reagan Administration articu-
19 lated six key foreign policy principles regarding
20 United States-Taiwan relations.

21 (5) On July 10, 1982, then-Under Secretary of
22 State Lawrence Eagleburger sent a cable to James
23 Lilley, then-director of the American Institute in
24 Taiwan, detailing what the United States had not
25 agreed to in its negotiations with the People's Re-

1 public of China over the 1982 Joint Communiqué.

2 He wrote—

3 (A) “We have not agreed to set a date cer-
4 tain for ending arms sales to Taiwan.”;

5 (B) “We have not agreed to prior consulta-
6 tion on arms sales.”;

7 (C) “We have not agreed to any mediation
8 role for the U.S.”;

9 (D) “We have not agreed to revise the Tai-
10 wan Relations Act.”;

11 (E) “We have not agreed to take any posi-
12 tion regarding sovereignty over Taiwan.”; and

13 (F) “The PRC has at no time urged us to
14 put pressure on Taiwan to negotiate with the
15 PRC; however, we can assure you that we will
16 never do so”.

17 (6) On August 17, 1982, then-Secretary of
18 State George Shultz provided Lilley with a version
19 of the Six Assurances for Taiwan’s government to
20 release, stating that the United States—

21 (A) “has not agreed to set a date for end-
22 ing arms sales to Taiwan”;

23 (B) “has not agreed to consult with the
24 PRC on arms sales to Taiwan”;

1 (C) “will not play any mediation role be-
2 tween Taipei and Beijing”;

3 (D) “has not agreed to revise the Taiwan
4 Relations Act”;

5 (E) “has not altered its position regarding
6 sovereignty over Taiwan”; and

7 (F) “will not exert pressure on Taiwan to
8 enter into negotiations with the PRC”.

9 (7) On August 17, 1982, then-Assistant Sec-
10 retary of State for East Asian and Pacific Affairs
11 John H. Holdridge testified on behalf of the execu-
12 tive branch before the Committee on Foreign Rela-
13 tions of the Senate about the 1982 Joint
14 Communiqué that—

15 (A) “[W]e did not agree to set a date cer-
16 tain for ending arms sales to Taiwan.”;

17 (B) “[The 1982 Joint Communiqué]
18 should not be read to imply that we have
19 agreed to engage in prior consultations with
20 Beijing on arms sales to Taiwan.”;

21 (C) “[W]e see no mediation role for the
22 United States.”;

23 (D) “We have no plans to seek any such
24 revisions [to the Taiwan Relations Act].”;

1 (E) “[T]here has been no change in our
2 longstanding position on the issue of sov-
3 ereignty over Taiwan.”; and

4 (F) “[N]or will we attempt to exert pres-
5 sure on Taiwan to enter into negotiations with
6 the PRC.”.

7 (8) On August 18, 1982, Holdridge testified on
8 behalf of the executive branch before the House
9 Committee on Foreign Affairs about the 1982 Joint
10 Communiqué that—

11 (A) “[W]e did not agree to set a date cer-
12 tain for ending arms sales to Taiwan.”;

13 (B) “[The 1982 Joint Communiqué]
14 should not be read that we have agreed to en-
15 gage in prior consultations with Beijing on
16 arms sales to Taiwan.”;

17 (C) “[W]e see no mediation role for the
18 United States.”;

19 (D) “We have no plans to seek any such
20 revisions [to the Taiwan Relations Act].”;

21 (E) “[T]here has been no change in our
22 longstanding position on the issue of sov-
23 ereignty over Taiwan.”; and

1 (F) “[N]or will we attempt to exert pres-
2 sure on Taiwan to enter into negotiations with
3 the People’s Republic of China.”.

4 (9) These six foreign policy principles, as ar-
5 ticulated by Eagleburger, Shultz, and Holdridge,
6 have collectively come to be known as the Six Assur-
7 ances.

8 (10) Section 1269D of the National Defense
9 Authorization Act for Fiscal Year 2020 (Public Law
10 116–92; 133 Stat. 1681) and section 1258 of the
11 John S. McCain National Defense Authorization Act
12 for Fiscal 2019 (Public Law 115–232; 132 Stat.
13 2058) each state that it is the sense of Congress
14 that the Taiwan Relations Act and the Six Assur-
15 ances “are both cornerstones” of United States-Tai-
16 wan relations.

17 (11) Section 209 of the Asia Reassurance Ini-
18 tiative Act of 2018 (Public Law 115–409; 22 U.S.C.
19 3301 note) states that it is United States policy for
20 the United States to enforce existing United States
21 Government commitments to Taiwan, “consistent
22 with the Taiwan Relations Act of 1979 (Public Law
23 96–8), the 3 joint communiques, and the Six Assur-
24 ances”.

1 (12) Section 1259 of the National Defense Au-
2 thorization Act for Fiscal Year 2018 (Public 115-
3 91; 22 U.S.C. 3301 note) states that it is United
4 States policy for the United States “to reinforce its
5 commitments to Taiwan under the Taiwan Relations
6 Act and consistent with the ‘Six Assurances’”.

7 **SEC. 3. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

9 (1) the maintenance of peace and stability
10 across the Taiwan Strait are in the political, secu-
11 rity, and economic interests of the United States,
12 and are matters of international concern;

13 (2) any unilateral change to the status quo
14 from either side or negotiated settlement of the
15 question of Taiwan’s status without the consent of
16 both sides of the Strait is unacceptable;

17 (3) the future of Taiwan must be determined by
18 peaceful means; and

19 (4) the maintenance of the Six Assurances con-
20 stitutes a stabilizing and necessary component of the
21 United States policy toward Taiwan.

22 **SEC. 4. STATEMENT OF POLICY.**

23 It is the policy of the United States to reaffirm that,
24 in the context of the 1982 Joint Communiqué, the United
25 States—

1 (1) did not agree to set a date for ending arms
2 sales to Taiwan;

3 (2) did not agree to consult with the People's
4 Republic of China on arms sales to Taiwan;

5 (3) did not and will not agree to play any medi-
6 ation role;

7 (4) did not agree to seek to revise the Taiwan
8 Relations Act;

9 (5) did not take any position regarding the
10 issue of sovereignty over Taiwan; and

11 (6) will not exert pressure on Taiwan to enter
12 into negotiations with the People's Republic of
13 China.

14 **SEC. 5. CONGRESSIONAL REVIEW OF CERTAIN ACTIONS RE-**
15 **LATING TO THE SIX ASSURANCES TO TAIWAN.**

16 (a) SUBMISSION TO CONGRESS OF PROPOSED AC-
17 TION.—

18 (1) IN GENERAL.—Notwithstanding any other
19 provision of law, before taking any action described
20 in paragraph (2), the President shall submit to the
21 appropriate congressional committees and leadership
22 a notification that describes the proposed action and
23 the reasons for that action.

24 (2) ACTIONS DESCRIBED.—An action described
25 in this paragraph is an action—

1 (A) pause or terminate the provision of
2 arms of a defensive character to Taiwan;

3 (B) to negotiate with the People's Republic
4 of China about the provision of arms of a de-
5 fensive character to Taiwan;

6 (C) to mediate between Taiwan and the
7 People's Republic of China regarding the issue
8 of sovereignty over Taiwan;

9 (D) to change the United States long-
10 standing position on the issue of the sovereignty
11 over Taiwan; or

12 (E) to exert pressure on Taiwan to enter
13 into negotiations with the People's Republic of
14 China.

15 (3) DESCRIPTION OF TYPE OF ACTION.—Each
16 notification submitted under paragraph (1) with re-
17 spect to an action described in paragraph (2) shall
18 include a description of whether the action is or is
19 not intended to significantly alter United States for-
20 eign policy with respect to Taiwan or the People's
21 Republic of China.

22 (4) INCLUSION OF ADDITIONAL MATTER.—Each
23 notification submitted under paragraph (1) that re-
24 lates to an action that is intended to significantly
25 alter United States foreign policy with respect to

1 Taiwan or the People's Republic of China shall in-
2 clude a description of—

3 (A) the significant alteration to United
4 States foreign policy with respect to Taiwan or
5 the People's Republic of China;

6 (B) the anticipated effect of the action on
7 the economic and national security interests of
8 the United States; and

9 (C) the anticipated effect of the action on
10 the issue of the sovereignty over Taiwan.

11 (b) PERIOD FOR REVIEW BY CONGRESS.—

12 (1) IN GENERAL.—During the period of 30 cal-
13 endar days beginning on the date on which the
14 President submits a notification under subsection
15 (a)(1), the appropriate congressional committees
16 should hold hearings and briefings and otherwise ob-
17 tain information in order to fully review the notifica-
18 tion.

19 (2) EXCEPTION.—The period for congressional
20 review under paragraph (1) of a notification re-
21 quired to be submitted under subsection (a)(1) shall
22 be 60 calendar days if the notification is submitted
23 on or after July 10 and on or before September 7
24 in any calendar year.

1 (3) LIMITATION ON ACTIONS DURING INITIAL
2 CONGRESSIONAL REVIEW PERIOD.—Notwithstanding
3 any other provision of law, during the period for
4 congressional review provided for under paragraph
5 (1) of a notification submitted under subsection
6 (a)(1) proposing an action described in subsection
7 (a)(2), including any additional period for such re-
8 view as applicable under the exception provided in
9 paragraph (2), neither the President nor any other
10 officer or employee of the United States may take
11 that action or expend any appropriated funds in fur-
12 therance of that action unless a joint resolution of
13 approval with respect to that action is enacted in ac-
14 cordance with subsection (c).

15 (4) LIMITATION ON ACTIONS DURING PRESI-
16 DENTIAL CONSIDERATION OF A JOINT RESOLUTION
17 OF DISAPPROVAL.—Notwithstanding any other pro-
18 vision of law, if a joint resolution of disapproval re-
19 lating to a notification submitted under subsection
20 (a)(1) proposing an action described in subsection
21 (a)(2) passes both Houses of Congress in accordance
22 with subsection (c), neither the President nor any
23 other officer or employee of the United States may
24 take that action or expend any appropriated funds
25 in furtherance of that action for a period of 12 cal-

1 endar days after the date of passage of the joint res-
2 olution of disapproval.

3 (5) LIMITATION ON ACTIONS DURING CONGRES-
4 SIONAL RECONSIDERATION OF A JOINT RESOLUTION
5 OF DISAPPROVAL.—Notwithstanding any other pro-
6 vision of law, if a joint resolution of disapproval re-
7 lating to a notification submitted under subsection
8 (a)(1) proposing an action described in subsection
9 (a)(2) passes both Houses of Congress in accordance
10 with subsection (c), and the President vetoes the
11 joint resolution, neither the President nor any other
12 officer or employee of the United States may take
13 that action or expend any appropriated funds in fur-
14 therance of that action for a period of 10 calendar
15 days after the date of the President’s veto.

16 (6) EFFECT OF ENACTMENT OF A JOINT RESO-
17 LUTION OF DISAPPROVAL.—Notwithstanding any
18 other provision of law, if a joint resolution of dis-
19 approval relating to a notification submitted under
20 subsection (a)(1) proposing an action described in
21 subsection (a)(2) is enacted in accordance with sub-
22 section (c), neither the President nor any other offi-
23 cer or employee of the United States may take that
24 action or expend any appropriated funds in further-
25 ance of that action.

1 (c) JOINT RESOLUTIONS OF DISAPPROVAL OR AP-
2 PROVAL.—

3 (1) DEFINITIONS.—In this subsection:

4 (A) JOINT RESOLUTION OF APPROVAL.—

5 The term “joint resolution of approval” means
6 only a joint resolution of either House of Con-
7 gress—

8 (i) the title of which is as follows: “A
9 joint resolution approving the President’s
10 proposal to take an action relating to the
11 Six Assurances to Taiwan.”; and

12 (ii) the sole matter after the resolving
13 clause of which is the following: “Congress
14 approves of the action relating to the ac-
15 tion with respect to the Six Assurances to
16 Taiwan proposed by the President in the
17 notification submitted to Congress under
18 section 2(a)(1) of the Six Assurances to
19 Taiwan Act on _____ relating
20 to _____.”, with the first
21 blank space being filled with the appro-
22 priate date and the second blank space
23 being filled with a short description of the
24 proposed action.

1 (B) JOINT RESOLUTION OF DIS-
2 APPROVAL.—The term “joint resolution of dis-
3 approval” means only a joint resolution of ei-
4 ther House of Congress—

5 (i) the title of which is as follows: “A
6 joint resolution disapproving the Presi-
7 dent’s proposal to take an action relating
8 to the Six Assurances to Taiwan.”; and

9 (ii) the sole matter after the resolving
10 clause of which is the following: “Congress
11 disapproves of the action relating to the
12 Six Assurances to Taiwan proposed by the
13 President in the notification submitted to
14 Congress under section 2(a)(1) of the Six
15 Assurances to Taiwan Act on
16 _____ relating to
17 _____.”, with the first blank
18 space being filled with the appropriate date
19 and the second blank space being filled
20 with a short description of the proposed
21 action.

22 (2) INTRODUCTION.—During the period of 30
23 calendar days provided for under subsection (b)(1),
24 including any additional period as applicable under
25 the exception provided in subsection (b)(2), a joint

1 resolution of approval or joint resolution of dis-
2 approval may be introduced—

3 (A) in the House of Representatives, by
4 the majority leader or the minority leader; and

5 (B) in the Senate, by the majority leader
6 (or the majority leader's designee) or the mi-
7 nority leader (or the minority leader's des-
8 ignee).

9 (3) FLOOR CONSIDERATION IN HOUSE OF REP-
10 REPRESENTATIVES.—If the appropriate congressional
11 committee of the House of Representatives has not
12 reported the joint resolution within 10 legislative
13 days after the date of referral, that committee shall
14 be discharged from further consideration of the joint
15 resolution.

16 (4) CONSIDERATION IN THE SENATE.—

17 (A) COMMITTEE REFERRAL.—A joint reso-
18 lution of approval or joint resolution of dis-
19 approval introduced in the Senate shall be re-
20 ferred to the Committee on Foreign Relations.

21 (B) REPORTING AND DISCHARGE.—If the
22 committee to which a joint resolution of ap-
23 proval or joint resolution of disapproval was re-
24 ferred has not reported the joint resolution
25 within 10 calendar days after the date of refer-

1 ral of the joint resolution, that committee shall
2 be discharged from further consideration of the
3 joint resolution and the joint resolution shall be
4 placed on the appropriate calendar.

5 (C) PROCEEDING TO CONSIDERATION.—
6 Notwithstanding Rule XXII of the Standing
7 Rules of the Senate, it is in order at any time
8 after the Committee on Foreign Relations re-
9 ports a joint resolution of approval or joint res-
10 olution of disapproval to the Senate or has been
11 discharged from consideration of such a joint
12 resolution (even though a previous motion to
13 the same effect has been disagreed to) to move
14 to proceed to the consideration of the joint reso-
15 lution, and all points of order against the joint
16 resolution (and against consideration of the
17 joint resolution) are waived. The motion to pro-
18 ceed is not debatable. The motion is not subject
19 to a motion to postpone. A motion to reconsider
20 the vote by which the motion is agreed to or
21 disagreed to shall not be in order.

22 (D) RULINGS OF THE CHAIR ON PROCE-
23 DURE.—Appeals from the decisions of the Chair
24 relating to the application of the rules of the
25 Senate, as the case may be, to the procedure re-

1 lating to a joint resolution of approval or joint
2 resolution of disapproval shall be decided with-
3 out debate.

4 (E) CONSIDERATION OF VETO MES-
5 SAGES.—Debate in the Senate of any veto mes-
6 sage with respect to a joint resolution of ap-
7 proval or joint resolution of disapproval, includ-
8 ing all debatable motions and appeals in con-
9 nection with the joint resolution, shall be lim-
10 ited to 10 hours, to be equally divided between,
11 and controlled by, the majority leader and the
12 minority leader or their designees.

13 (5) RULES RELATING TO SENATE AND HOUSE
14 OF REPRESENTATIVES.—

15 (A) TREATMENT OF SENATE JOINT RESO-
16 LUTION IN HOUSE.—In the House of Rep-
17 resentatives, the following procedures shall
18 apply to a joint resolution of approval or a joint
19 resolution of disapproval received from the Sen-
20 ate (unless the House has already passed a
21 joint resolution relating to the same proposed
22 action):

23 (i) The joint resolution shall be re-
24 ferred to the appropriate committee.

1 (ii) If a committee to which a joint
2 resolution has been referred has not re-
3 ported the joint resolution within 5 legisla-
4 tive days after the date of referral, that
5 committee shall be discharged from further
6 consideration of the joint resolution.

7 (iii) Beginning on the third legislative
8 day after each committee to which a joint
9 resolution has been referred reports the
10 joint resolution to the House or has been
11 discharged from further consideration
12 thereof, it shall be in order to move to pro-
13 ceed to consider the joint resolution in the
14 House. All points of order against the mo-
15 tion are waived. Such a motion shall not be
16 in order after the House has disposed of a
17 motion to proceed on the joint resolution.
18 The previous question shall be considered
19 as ordered on the motion to its adoption
20 without intervening motion. The motion
21 shall not be debatable. A motion to recon-
22 sider the vote by which the motion is dis-
23 posed of shall not be in order.

24 (iv) The joint resolution shall be con-
25 sidered as read. All points of order against

1 the joint resolution and against its consid-
2 eration are waived. The previous question
3 shall be considered as ordered on the joint
4 resolution to final passage without inter-
5 vening motion except 2 hours of debate
6 equally divided and controlled by the spon-
7 sor of the joint resolution (or a designee)
8 and an opponent. A motion to reconsider
9 the vote on passage of the joint resolution
10 shall not be in order.

11 (B) TREATMENT OF HOUSE JOINT RESO-
12 LUTION IN SENATE.—

13 (i) RECEIPT BEFORE PASSAGE.—If,
14 before the passage by the Senate of a joint
15 resolution of approval or joint resolution of
16 disapproval, the Senate receives an iden-
17 tical joint resolution from the House of
18 Representatives, the following procedures
19 shall apply:

20 (I) That joint resolution shall not
21 be referred to a committee.

22 (II) With respect to that joint
23 resolution—

24 (aa) the procedure in the
25 Senate shall be the same as if no

1 joint resolution had been received
2 from the House of Representa-
3 tives; but

4 (bb) the vote on passage
5 shall be on the joint resolution
6 from the House of Representa-
7 tives.

8 (ii) RECEIPT AFTER PASSAGE.—If,
9 following passage of a joint resolution of
10 approval or joint resolution of disapproval
11 in the Senate, the Senate receives an iden-
12 tical joint resolution from the House of
13 Representatives, that joint resolution shall
14 be placed on the appropriate Senate cal-
15 endar.

16 (iii) NO COMPANION MEASURE.—If a
17 joint resolution of approval or a joint reso-
18 lution of disapproval is received from the
19 House, and no companion joint resolution
20 has been introduced in the Senate, the
21 Senate procedures under this subsection
22 shall apply to the House joint resolution.

23 (C) APPLICATION TO REVENUE MEAS-
24 URES.—The provisions of this paragraph shall
25 not apply in the House of Representatives to a

1 joint resolution of approval or joint resolution
2 of disapproval that is a revenue measure.

3 (6) RULES OF HOUSE OF REPRESENTATIVES
4 AND SENATE.—This subsection is enacted by Con-
5 gress—

6 (A) as an exercise of the rulemaking power
7 of the Senate and the House of Representa-
8 tives, respectively, and as such is deemed a part
9 of the rules of each House, respectively, and su-
10 persedes other rules only to the extent that it
11 is inconsistent with such rules; and

12 (B) with full recognition of the constitu-
13 tional right of either House to change the rules
14 (so far as relating to the procedure of that
15 House) at any time, in the same manner, and
16 to the same extent as in the case of any other
17 rule of that House.

18 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
19 DEFINED.—In this section, the term “appropriate con-
20 gressional committees” means—

21 (1) the Committee on Foreign Relations of the
22 Senate; and

23 (2) the Committee on Foreign Affairs of the
24 House of Representatives.

1 **SEC. 6. SEVERABILITY.**

2 If any provision of this Act, or the application there-
3 of, is held invalid, the validity of the remainder of this
4 Act and the application of such provision to other persons
5 and circumstances shall not be affected thereby.