



What Shapes Taiwan-related Legislation in U.S. Congress?

Gang Lin, Wenxing Zhou & Weixu Wu

To cite this article: Gang Lin, Wenxing Zhou & Weixu Wu (2022) What Shapes Taiwan-related Legislation in U.S. Congress?, *Journal of Contemporary China*, 31:136, 609-625, DOI: [10.1080/10670564.2021.1985840](https://doi.org/10.1080/10670564.2021.1985840)

To link to this article: <https://doi.org/10.1080/10670564.2021.1985840>



Published online: 30 Sep 2021.



Submit your article to this journal [↗](#)



Article views: 337



View related articles [↗](#)



View Crossmark data [↗](#)



What Shapes Taiwan-related Legislation in U.S. Congress?

Gang Lin^a, Wenxing Zhou^b and Weixu Wu^c

^aShanghai Jiao Tong University, China; ^bNanjing University, China; ^cTsinghua University, China

ABSTRACT

Through a quantitative analysis of Taiwan-related legislation between 1979 and 2020, the article finds that the degree of Taiwan-related legislation is significantly correlated with the degree of tension in U.S.–China relations. While a deteriorating cross-Taiwan Strait relationship is clearly associated with the increasing legislative activities for the sake of Taiwan, an improving relationship from the state of fair to good cannot guarantee a decrease of such activities. A unified government and the extent of the Taiwan lobby are both helpful in passing pro-Taiwan acts but statistically insignificant. A content analysis of pro-Taiwan bills approved by the Trump administration suggests a creeping movement to “normalize” U.S.–Taiwan relations with congressional activism and the less-restrained White House as a co-engine.

Introduction

The past four years of U.S.–China diplomatic relations are accompanied by a dramatic booming of Washington–Taipei ties at the cost of Beijing. As Taiwan is included in former President Donald Trump’s Indo–Pacific Strategy, it has solidly gained a partnership or *quasi*-ally status *vis-à-vis* the United States. Gone is the ephemeral voice of Taiwan abandonment which was yet to be seriously considered by policymakers in the early years of the Barack Obama administration.¹ Toward the end of the Trump administration, Congress attached the *Taiwan Assurance Act of 2020* (TAA 2020) to *Consolidated Appropriations Act, 2021* that was signed into law by the President on 27 December 2020. In addition, the bill *Employment Fairness for Taiwan Act of 2020* was transformed verbatim as a section in *National Defense Authorization Act of 2021* (NDAA 2021)—Section 9724: Fairness for Taiwan Nationals Regarding Employment at International Financial Institutions—and became actually part of the public law. These two Acts, together with the *Taiwan Travel Act* and the *Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019*, consist of the most important pieces of Taiwan-related legislation, which have exerted unavoidable pressure on the Trump administration that resorted to personal diplomacy with Chinese leadership through businessman-like dealings mixing threats with cajoles at the beginning but soon shifted to a regional framework excluding China coded paradoxically as ‘*free and open Indo–Pacific Strategy*’ (italics added).

Congressional involvement with the Taiwan issue is typically demonstrated by the legislation of the *Taiwan Relations Act* (TRA) immediately after the Jimmy Carter administration declared shifting American diplomatic ties from Taipei to the People’s Republic of China (PRC). As part of U.S. federal government, Congress constitutionally shares power with the President in foreign

CONTACT Wenxing Zhou  zhouwenxing@nju.edu.cn  Nanjing University, China

This article has been republished with minor changes. These changes do not impact the academic content of the article.

¹For an earlier discussion of Taiwan abandonment, see Gang Lin and Wenxing Zhou, ‘Does Taiwan matter to the United States?’ Policy Debates on Taiwan Abandonment and Beyond’, *The China Review* 18(3), (2018), pp. 177–206.

affairs, including declaring wars or ratifying treaties with foreign countries, authorizing fiscal expenditure, approving important political appointees, and more significantly, making laws. As commander of the armed forces, however, the President can take military actions before getting congressional approval and sign agreements such as communiqués with foreign governments. The ambiguous sphere between Congress and the President in foreign affairs was intentionally created by constitutional designers to ensure checks and balances among different branches of the government.²

If congressional involvement of the Taiwan issue has its institutional roots, to what degree will Congress actively take actions by raising pro-Taiwan legislation on the floor? Are members of Congress driven by national, partisan or constituent interests, or derived from their individual preferences influenced by the Taiwan lobby among other factors? To what degree the pro-Taiwan legislative activities are shaped by U.S.–China relations and cross-Taiwan Strait ties?

In the following sections, the article first provides a brief review of the research literature and introduces its own analytical framework. It then presents some findings through multi-variable examination and data analysis. Finally, it discusses pro-Taiwan legislation during the Trump administration to highlight the two structural factors—U.S.–China relations and cross-Strait ties—in shaping congressional actions and points out the possible trend in the years to come.

Literature Review and Theoretic Framework

Some theories are relevant to observe the dynamics of congressional competition with the President on Taiwan affairs. From the prospect of increased congressional activism, James M. Lindsay and Randall B. Ripley argue that congressional influence varies among three major types of foreign and defense policy: crisis, strategic, and structural. Crisis policy is the perception on an immediate threat to U.S. national interest, usually involving military force, with minimal influence from Congress. Strategic policy specifies the goals and tactics of defense and foreign policy, over which Congress can check presidential power to a certain degree through legislation, anticipated reactions, and the framing of opinion, particularly in the case of treaties and trade policy. Structural policy governs how resources are used in which presidential power is at its weakest.³

The willingness of Congress to exercise its substantial power to shape the course of U.S. foreign policy, however, 'has ebbed and flowed over time according to the vicissitudes of politics.' According to Lindsay, when the United States is at peace and believes itself secure, Congress is assertive to participate; while the country is at war or in a crisis, Congress tends to defer itself to the President.⁴ Following this logic, the President took initiative before 1829 whereas Congress gained supremacy in the most part of the 19th century. The 20th century witnessed the growing presidential power in foreign affairs under severe circumstances, while Congress regaining dominance during the peaceful periods 1918–1936 and 1973–1980, and remaining influential during the 1980s.⁵ Although Congress failed to play an otherwise more positive role as Lindsay tacitly predicted in the post-Cold War period but 'backsliding in the early

²James Goldgeier and Elizabeth N. Saunders, 'The unconstrained presidency: checks and balances eroded long before trump', *Foreign Affairs* 95(5), (2020), pp. 144–156; Walter LaFeber, 'The Constitution and United States foreign policy: an interpretation', *The Journal of American History* 74(3), (1987), pp. 695–717.

³James M. Lindsay and Randall B. Ripley, 'How congress influences foreign and defense policy', *Bulletin of the American Academy of Arts and Sciences* 47(6), (1994), pp. 7–12.

⁴James M. Lindsay, 'The Shifting Pendulum of Power: Executive–Legislative Relations on American Foreign Policy', in *The Domestic Sources of American Foreign Policy: Insights & Evidence* (7th edition), ed. James M. McCormick. (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2018), pp. 219–235.

⁵John Sparkman, 'Checks and balances in American foreign policy', *Indiana Law Journal* 52(2), (1977), pp. 435–439; James M. Lindsay, 'Congress and foreign policy: why the hill matters', *Political Science Quarterly* 107(4), (1992/93), p. 609; Richard F. Grimmett, 'Foreign Policy Roles of the President and Congress', *CRS Report for Congress* (Washington, DC: Congressional Research Service, June 1999), p. 2.

1990s when the [Bill]Clinton administration sent forces to Haiti, Bosnia, and Kosovo without congressional authorization,' it logically 'abdicated responsibility almost entire after 9/11' and the Republican-controlled House and the Democratic-controlled Senate were absent in policymaking regarding war on Libya and Syria ten years later.⁶ The inexperienced and 'highly unconventional' President Trump has revived Congress's political will to weigh in responsibly by imposing penalties on Russian individuals and institutions responsible for interference in the 2016 U.S. presidential election and opposing the President's decision to withdraw U.S. forces from Syria, inviting 'greater attention to anti-presidential bipartisanship' under the Trump administration among the academic and policy circles.⁷

From the institutional perspective, it has been long debated whether Congress under a unified government (the party of the President controls both Senate and House) is more productive in legislation than it is under a divided government (the party of the President loses control of one or both of the two Chambers).⁸ It is found that the unified government corresponds with one additional significant act passed per Congress than the divided government in the 19th century and four additional significant acts in the 20th century.⁹ From a bipartisan perspective, a president that faces a Congress controlled by another party will have to persuade some opposition lawmakers to support his foreign policies. While the two branches of the government often agree on important legislation, a divided government does encourage lawmakers to oppose the president and increase difficulties in passing significant acts.¹⁰ Congress under a divided government, however, could be more productive in proposing bills and resolutions. According to Zhang Guang and Diao Daming, a divided government corresponds with 10 additional anti-China bills and resolutions per Congress than a unified government between 1979 and 2006. Interestingly, their empirical data suggest that when the presidential party controls only one of the two Chambers—that is, under a weakly divided government—fewest cases are made (40.3 per Congress as opposed to 70.5 for a unified government and 107.3 for a strongly divided government).¹¹ Similarly, their earlier study finds out that a strongly divided government corresponds with one additional Taiwan-related bills and resolutions per Congress than a weakly divided government between 1981 and 1992. For them, the difference between a unified government and a strongly divided government is more dramatic. Congress raised 15 Taiwan-related bills and resolutions when President Clinton controlled both Senate and House between 1993 and 1994 but produced 73 cases when he lost control of both between 1995 and 2000, with 9 additional cases per Congress in comparison.¹² The literature above suggests that different measurements of congressional legislative activities should be employed to observe the functional nuance of three types of executive-congressional relations.

U.S.–China relations and cross-Taiwan Strait ties have their impacts on congressional activities on Taiwan. Historically, Lee Teng-hui's 1995 Cornell trip contributed to the first Strait crisis since the 1958 Kinmon bombings and a showdown of military muscles of the United States and the PRC. Concurrent tension in both U.S.–China relations and cross-Strait ties could explain a booming of

⁶James M. Lindsay and Randall B. Ripley, 'Foreign and defense policy in congress: a research agenda for the 1990s', *Legislative Studies Quarterly* 17(3), (1992), p. 419, p. 436; Stephen R. Weissman, 'Congress and war: how the house and the senate can reclaim their role', *Foreign Affairs* 96(1), (2017), pp. 133–39.

⁷Jordan Tama, 'Forcing the President's hand: how the US Congress shapes foreign policy through Sanctions Legislation', *Foreign Policy Analysis* 16(3), (2020), pp. 411–412; James Wallner, 'A dynamic relationship: how Congress and the President shape foreign policy', *Congress and Foreign Affairs: Reasserting the Power of the First Branch* (Washington, DC: R. Street Institute, 2020), p. 19.

⁸David R. Mayhew, *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946–1990* (New Haven, CT: Yale University Press, 1991); J. Tobin Grant and Nathan J. Kelly, 'Legislative productivity of the U.S. Congress, 1789 ~ 2004', *Political Analysis* 16(3), (2008), pp. 303–323.

⁹Stephen Ansolabehere, Maxwell Palmer and Benjamin Schneer, 'Divided government and significant legislation: a history of congress from 1789 to 2010', *Social Science History* 42(1), (2018), pp. 81–108.

¹⁰Wallner, 'A Dynamic Relationship', p. 30.

¹¹Zhang Guang and Diao Daming, 'Meiguo guohui yiyuan shehua ti'an chutan' [An Analysis of U.S. Congressional Members' Introduction of China-Related BRs], *Guoji zhengzhi kexue* [Quarterly Journal of International Politics] (1), (2008), pp. 88–89.

¹²Zhang Guang and Diao Daming, 'Meiguo guohui shetai ti'an de fazhan' [The Development of BRs Concerning Taiwan in the U.S. Congress], *Taiwan yanjiu jikan* [Taiwan Research Quarterly] (2), (2007), p. 24.

Taiwan-related legislation in the second term of President Clinton, who agreed on building toward a constructive strategic partnership with China after a curve of learning process.¹³ The ‘second normalization’ of U.S.–China relations highlighted by the mutual visits of Jiang Zemin and Clinton in 1997 and 1998, respectively, however, was accompanied by already fermented sentiments in Congress, particular on the part of pro-Taiwan members, who must have had a sense that what they had achieved by sailing through Lee’s American trip was backfired then. Thus, more than one and half of dozens of resolutions appealing for a peaceful settlement of cross-Strait dispute mushroomed in the 105th and 106th Congress, together with other legislative activities asking for more arms sales to Taiwan. This means that congressional members’ perceptions of the Taiwan issue are informed by the dynamic *status quo* across the Taiwan Strait, including whether the two sides are engaged with each other peacefully or in serious confrontation, whether the balance of power across the Taiwan Strait has tilted in favor of the mainland at the cost of Taiwan, and whether Taiwan remains a strategic asset for America in dealing with a growingly assertive Chinese mainland or has become marginal if not troublesome when U.S.–China relations are improved. In short, Congressional Taiwan-related legislation is the function of both U.S.–Taiwan relations and cross-Taiwan Strait ties.

Another approach is to observe individual behavior of pro-Taiwan congressional members as well as the effectiveness of the Taiwan lobby to understand the dynamics in Taiwan-related legislation through case study.¹⁴ Because few members of Congress are familiar with the Taiwan issue, most bills and resolutions are proposed by members of the Taiwan Caucus, a bipartisan interest group in Congress.¹⁵ It is well known that Taiwan’s efforts at lobbying Congress in the early 1990s have led to a surge in bills and resolutions—such as H. R. 1460 and H. Con. Res. 53—pressing the Department of State to permit Lee Teng-hui’s Connell trip in 1995. According to the semi-annual *Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act* (FARA report hereafter) issued by U.S. Department of Justice in 2000, the pro-Taiwan bill *Taiwan Security Enhancement Act* (H. R.1838, S.693) designed to substantially enhance U.S.–Taiwan relations is also a product of the Taiwan lobby in the late years of Lee.¹⁶ Lee’s successor, Chen Shui-bian, spent even more money in lobbying members of U.S. Congress. By contrast, Ma Ying-jeou maintained the lowest budget for lobby in his two terms.

This article assumes that the degree of Taiwan-related legislation measured by number of legally binding legislative proposals (bills, amendments, and joint resolutions, BAs hereafter) and laws is determined by several factors that intertwine one another and weight in variedly on the floor pending on different cases and times. From a domestic perspective, Congress under a unified government is assumed to be more productive in passing Taiwan-related legislation as it faces less partisan dispute among the three ‘institutional veto player.’¹⁷ By contrast, a strongly divided government is expected to be less productive in legislation as Congress has to face an institutional

¹³According to Robert Suettinger, the word ‘building toward’ in defining U.S.–China relations was what Americans insisted to put into the forthcoming joint communiqué during an overnight discussion with their Chinese counterparts right before President Jiang Zemin’s 1997 American trip. For details, see Robert Suettinger, *Beyond Tiananmen: U.S.–China Relations in a Confrontation Period* (Washington, DC: Brookings Institution Press, 2003).

¹⁴Sun Zhe, et al., *Meiguo guohui yu zhongmei guanxi: anli yu fenxi* [*Congress and the US–China Relations: Cases and Analyses*] (Beijing: Shishi chubanshe, 2004); Xin Qiang, ‘Ban zizhu’ guohui yu Taiwan wenti: meiguo guohui wajiaoxingwei moshi [*Semi-Autonomous’ Congress and the Taiwan Issue: Behavioral Patterns of U.S. Congress Diplomacy*] (Shanghai: Fudan University Press, 2005).

¹⁵With a total of 165 members from the House and Senate, Taiwan Caucus is one of the largest congressional member organizations. For relevant studies, see Xin, *Semi-Autonomous’ Congress and the Taiwan Issue*, pp. 179–193; Scott L. Kastner and Douglas B. Grob, ‘Legislative foundations of US–Taiwan relations: a new look at the congressional Taiwan Caucus’, *Foreign Policy Analysis* 5(1), (2009), pp. 57–72. For the latest list of the caucus, see <https://fapa.org/house-taiwan-caucus/>.

¹⁶*Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act* (Washington, DC: U.S. Department of Justice, 30 June 2000), p. 278.

¹⁷According to George Tsebelis, there are three institutional veto players in legislation in the United States, i.e. the President, House, and Senate. See George Tsebelis, *Veto Players: How Political Institutions work* (Princeton, NJ: Princeton University Press, 2002), p. 78.

veto player (the President) with different partisan positions. Under a weakly divided government when House and Senate are controlled by different parties, it is even more difficult to achieve institutional consensus within Congress. One Chamber may serve as an additional institutional veto player against the other if bipartisanship gives way to partisanship. In other words, a divided government in general and a divided Congress in particular are assumed to be negatively associated with legislative success. From an external perspective, both the degree of tension in U.S.–China ties and cross–Strait relations and the extent of the Taiwan lobby are assumed to be positively correlated with the degree of Taiwan-related legislation, which is aimed at challenging U.S. one–China policy and strengthening Washington–Taipei ties.

To test these four hypotheses, the authors conducted a comprehensive search of Taiwan-related BAJs introduced by Senators or House Representatives from the 96th to 116th Congress (1979–2020) at its official website (www.congress.gov), taking them as the dependent variable. In addition, Taiwan-related laws, including laws containing military-related articles (military-related laws hereafter), are also listed for comparison. This does not suggest that other legislative means such as anticipated reactions, structural and procedural innovations, and political grandstanding specified by Lindsay are unimportant.¹⁸ Nor does it disregard the authority of resolutions, simple or concurrent, as they sometimes do play a significant role in terminating administrative programs.¹⁹ Rather, it is for the sake of data comparability that legally unbinding simple and concurrent resolutions are excluded in measuring the dependent variable.

Regarding the first independent variable in the four hypotheses, executive–legislative relations are measured by three grades, in which A refers to a weakly divided government, B refers to a strongly divided government, and C refers to a unified government that makes successful legislation easier. The second and third independent variables, i.e. U.S.–China relations and cross–Strait ties, respectively, are measured as A, B, C, D or E, based on the state of the relationship (from good to bad) drawn from the existent literature.²⁰ A indicates good ties, C means fair ties, E suggests bad ties, B is between A and C, and D is between C and E. The good periods of U.S.–China relations are those from 1981 to 1988, the bad periods are from 2017 to 2020, and other periods are between them. The good periods of cross–Strait relations are from 2009 to 2014, the bad periods are from 1995 to 1996, 1999 to 2000, 2003 to 2004, and 2019 to 2020, and other periods are between them. The fourth variable—the Taiwan lobby—is measured by the amount of money spent according to the FARA reports. It is hypothesized that the first three independent variables, from Grade A to C or Grade A to E, and the fourth independent variable, from low to high value, are positively correlated with the degree of Taiwan-related legislation. And the degree of Taiwan-related legislation is measured by number of BAJs, important BAJs with at least three cosponsors or other more important follow-ups, effective acts (i.e. public laws), and military-related laws. A comprehensive measurement index (CMI) is created by giving different values to the number of total BAJs (valued at 1), important BAJs (2), laws (3) and the most sensitive military-related laws (4) and adding them up to a single figure (see Table 1 and Figure 1 for comparison).²¹

¹⁸Lindsay, 'Congress and Foreign Policy.'

¹⁹David Weissbrodt, 'Human rights legislation and U.S. Foreign policy', *Georgia Journal of International & Comparative Law* (7), (1977), pp. 245–246.

²⁰Tsinghua University Institute of International Relations, *Zhongguo yu daguo guanxi shujuku* [The Database of the Relationships between China and Major Powers], accessed March 15, 2021, <http://www.tuiir.tsinghua.edu.cn/info/1145/5564.htm>; Sun Yafu, Li Peng et al., *Liangan guanxi sishinian licheng (1979–2019)* [Cross–Strait Relations over the Past Four Decades (1979–2019)] (Beijing: Jiuzhou Press, 2020).

²¹The number of BAJs discounts those legislative proposals raised by the same person with the same content, even though with different legislation number. Important BAJs exclude those with fewer than three cosponsors AND without further follow-up actions. The same bills, amendments, or joint resolutions with different versions are counted as one in the category of important BAJs.



Table 1. The Taiwan-related legislative activities, executive-legislative ties, U.S.–China ties, cross-strait ties, and Taiwan lobby money (1979–2020).

	BAJs	Imp. BAJs	Laws (Acts passed)	Mil-related Laws	CMI	Exe–Leg ties	US–China ties	Cross–Strait ties	Taiwan Lobby Money (\$)
79–80CBC	26(8)*	8	4	2	62	C	B	C	1,612,887
81–82AAC	6 (1)	2	1	0	13	A	A	C	1,977,812
83–84AAC	6 (1)	3	1	0	15	A	A	C	2,633,886
85–86AAC	11(8)	6	3	1	36	A	A	C	2,292,759
87–88BAB	19 (5)	8	3	0	44	B	A	B	4,827,035
89–90BCB	16 (6)	9	2	0	40	B	C	B	3,416,974
91–92BDB	26(10)	13	3	1	65	B	D	B	*1,120,324
93–94 CDB	26 (9)	20	12	4	118	C	D	B	—
95–96BDE	16(13)	10	1	2	43	B	D	E	7,887,843
97–988BD	26(21)	19	2	2	78	B	B	D	6,808,674
99–00BCE	28(26)	17	6	3	92	B	C	E	6,881,123
01–02ADD	17(8)	11	6	3	69	A	D	D	11,674,065
03–04CCE	19(16)	15	6	1	71	C	C	E	3,458,568
05–06 CCD	11(11)	10	2	1	41	C	C	D	8,937,680
07–088BD	15(6)	8	2	1	41	B	B	E	5,876,502
09–10CBA	12(4)	8	2	1	38	C	B	A	4,888,141
11–12ABA	15(13)	12	1	1	46	A	B	A	4,135,911
13–14ABA	16(11)	10	3	2	53	A	B	A	4,101,760
15–16BCB	18(15)	12	4	2	62	B	C	B	3,671,841
17–18CED	19(19)	10	4	3	63	C	E	D	**2,834,118
19–20AEE	42(34)	23	5	3	115	A	E	E	—
Total	390 (245)	234	73	32	1205	7A8B6C	4A6B5C 4D2E	3A5B4C 5D4E	89,231,056

Source: Compiled by the authors from www.congress.gov, which includes all Taiwan-related bills, amendments and joint-resolutions from 1979 to 2020.

Note: The three letters following each congressional period denote different degrees of executive-legislative ties, U.S.–China ties and cross-strait ties, respectively. For example, 79–80CBC means that the Congress is under a unified government, that U.S.–China relations are next to good and cross-strait ties are fair between 1979 and 1980. The data of Taiwan lobby money is compiled according to the FARA reports, which are available at <https://www.justice.gov/nsd-fara>. In order to compare easily, the letters and numbers in grey background denote the period under a Democratic President.

* Numbers within parentheses under the column BAJs refers to those proposed by Republican Members of Congress.

** The FARA reports including lobby money from Taiwan start from 1979 on annually except for the years of 1992, 1993, and 1994. The latest data available are up to June 2018. Note that the amount of lobby money during the 91–92 period was that spent in 1991 only, and that spent during the 17–18 period did not include the data of the second half of 2018. Unavailable data are marked with ‘—’.

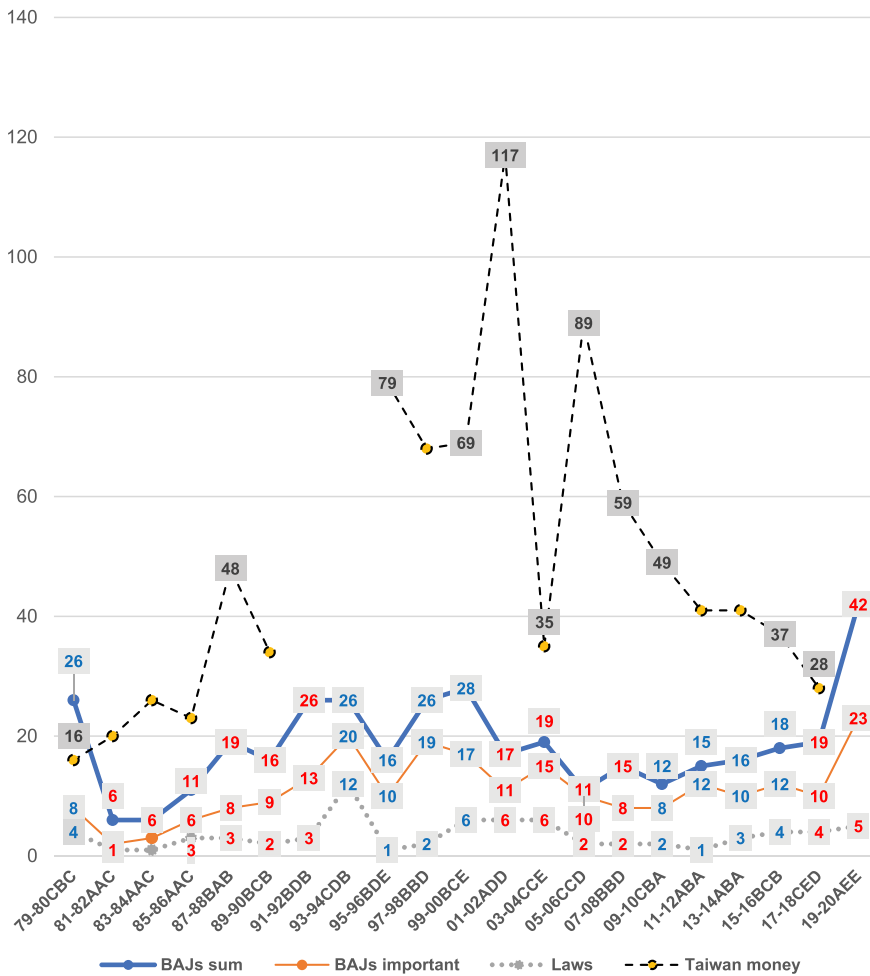


Figure 1. The Taiwan-related legislative activities, executive-legislative ties, U.S.–China ties, cross-strait ties, and Taiwan lobby money (1979–2020). Note: The unit of Taiwan lobby money in this figure is \$100,000.

Findings and Discussions

From Table 1 and Figure 1, one can find some associations between the degree of the Taiwan-related legislative activities on one hand and executive-legislative connections, U.S.–China relations, cross-strait ties, and the Taiwan lobby activities on the other hand.

For the first hypothesis, a strongly divided government is more productive than a weakly divided government in introducing BAJs to the floor. For example, during the Ronald W. Reagan and George H. W. Bush administrations between 1981 and 1992, 84 BAJs were put on the agenda in Congress. While 23 cases were introduced in the first six years when the government was weakly divided (with House being controlled by Democrats), 61 were brought about in the next six years when the government was strongly divided.²² Similarly, when Congress proposed 11 important BAJs and passed 5 acts in the first six years, it raised 30 cases and passed 8 acts in the next six years. This means when Congress is controlled by different parties under a weakly divided government, it is less

²²Even if the booming of BAJs (26 cases) concerning Taiwan in 1991 and 1992 can be attributed partly to the factor of the post-Cold War and the problem in U.S.–China relations, the growing trend from 1981 to 1990 is still quite clear, as Figure 1 demonstrates.

productive. This article detects no difference between a strongly divided government and a unified government in introducing Taiwan-related legislation, as both proposed almost the same number (20.5 versus 18.3) of BAJs and important BAJs (12 versus 11.8) per Congress from 1979 to 2020. Nevertheless, a unified government is clearly more productive than a divided government—either weakly divided or strongly divided—in passing Taiwan-related acts, with 2 more acts passed per Congress. The values of CMI for weakly divided government, strongly divided government and unified government per Congress are 50.3, 57.1, and 65.5, respectively, suggesting that a unified government is more productive—though statistically insignificantly—in Taiwan-related legislative activities (Table 2).²³

The second hypothesis that the severe U.S.–China relations produce more Taiwan-related legislation is largely confirmed with 4 deviations marked in italic face in Table 3. When U.S.–China relationship is in a fair period (Grade C), the average number of BAJs (16.4) or military-related laws (1.4) per Congress fails to be higher than that during the B period (18.8 and 1.5, respectively). The average number of laws (5.5) or military-related laws (3.8) during the D period fails to be lower than that during the E period as well. Despite these deviations, one can still find a correlation between the two variables. The CMI value per Congress rises from 28 to 53, 61.2, 80, and 89 as U.S.–China relations change from A to B, C, D, and E periods. The Pearson correlation coefficient between U.S.–China relations and CMI is 0.680, with a p-value of 0.001, suggesting a positive and statistically significant correlation between them (see Table 4).

From Table 1, it can be found that Taiwan-related legislative activities have been up and down over the past four decades. Such activities were comparatively limited between 1981 and 1990 when U.S.–China relationship was in the best period except for the last year or so, with 58 BAJs, 28 important BAJs, 10 laws, and 1 military-related law. As the strategic foundation of U.S.–China cooperation was undermined in the post-Cold War era, Congress raised more challenge to the administration's one-China policy by increasing pro-Taiwan legislation between 1991 and 2000, introducing 122 BAJs 79 important BAJs, 24 laws, and 11 military-related laws. In the wake of 9/11, Congress initiated only 74 BAJs, 52 important BAJs, 18 laws, and 7 military-related laws in the following ten years. However, Congress has become more active in supporting Taiwan over the past ten years, producing 110 BAJs, 67 important BAJs, 17 laws, and 11 military-related laws as U.S.–China strategic tension has increased since 2015.²⁴

The third hypothesis that the severe cross-Strait relations produce more Taiwan-related legislation fails to be significantly verified, as good cross-Strait relations cannot reduce the degree of Taiwan-related legislation. As can be seen from Table 5, the average amount of legislative activities per Congress measured by the 4 indicators during the fair period are consistently lower than that

Table 2. Impact of executive–legislative relations on Taiwan-related legislation (1979–2020).

Congress Periods	Weakly divided Gov. 7 times		Strongly divided Gov. 8 times		Unified Gov. 6 times		Sum
Case types	Total	Average	Total	Average	Total	Average	
BAJs	113	16.1	164	20.5	113	18.8	390
Important BAJs	67	9.6	96	12	71	11.8	234
Laws	22	3.1	21	2.6	30	5	73
Mil-related laws	10	1.4	10	1.3	12	2	32
CMI (values)	353	50.4	459	57.4	393	65.5	1205

²³Taking out the sample of 2019–2020 in an analysis of correlation, however, the Pearson correlation coefficient between CMI and executive–legislative relations is 0.432, with a p-value of 0.057, which is very close to the significant level of 0.05. As Figure 1 reveals, Congress was unusually active during the period of 2019 and 2020 when House was controlled by the Democrats and Senate was controlled by the Republicans, an unexpected phenomenon to be further discussed in the last section.

²⁴David M. Lampton, 'A Tipping Point in US–China Relations is Upon Us', *US–China Perception Monitor*, May 11, 2015, accessed February 2, 2021, https://www.uscnpm.com/model_item.html?action=view&table=article&id=15789.

Table 3. Impact of U.S.–China ties on Taiwan–related legislation (1979–2020).

Case types	4 A		6 B		5 C		4D		2E	
	Total	Ave	Total	Ave	Total	Ave	Total	Ave	Total	Ave
BAJs sum	42	10.5	110	18.8	92	16.4	85	21.3	61	30.5
BAJs imp.	19	4.8	65	10.8	63	12.6	54	13.5	33	16.5
Laws	8	2	14	2.33	20	4	22	5.5	9	4.5
Mil–related laws	1	0.3	9	1.5	7	1.4	15	3.8	6	3
CMI (value)	108	28	318	53	306	61.2	319	80	178	89

Table 4. Correlation between U.S.–China ties and Taiwan-related legislation (1979–2020).

		CMI	U.S.–China
CMI	Pearson correlation coefficient	1	.680**
	Significance (two–tailed test)	.21	.001
	N		21
U.S.–China	Pearson correlation coefficient	.680**	1
	Significance (two–tailed test)	.001	.21
	N	21	

** Correlation coefficient significant at the 0.01 level (two-tailed test).

Table 5. Impact of cross–strait ties on Taiwan-related BAJs.

Case types	3 A		5 B		4 C		5D		4E	
	Total	Ave	Total	Ave	Total	Ave	Total	Ave	Total	Ave
BAJs sum	43	14.3	105	21	49	12.25	88	17.6	105	26.3
BAJs imp.	30	10	62	12.4	19	4.75	58	11.6	65	16.3
Laws	6	2	24	4.8	9	2.25	16	3.2	18	4.5
Mil–related laws	4	1.3	7	1.4	3	0.75	10	2	8	2
CMI (value)	137	44.3	329	65.8	126	31.5	292	58.5	321	80.3

during other periods when cross–Strait relationship is either better or worse except for one deviation: The best cross–Strait relationship (A period) does produce the smallest number of Taiwan–related laws, a little smaller than that during the fair period (2 against 2.25).

As Table 5 reveals, greater tension in cross–Strait relations tends to produce more Taiwan-related legislation as the figures in the columns of D and E demonstrate. However, better cross–Strait relations cannot lead to fewer BAJs and important BAJs as well, as the figures in the columns of A and B shows. The highest value of CMI can be detected from the E period (80.3), next by B (65.8), D (58.5), A (44.3), and C (31.5), denying a linear relationship. Despite the great improvement of cross–Strait relations from the Bush to Obama administrations, numbers of BAJs and important BAJs per Congress remained about the same. While Congress passed six more acts under the Bush administration, the number of military-related laws (6) was the same for both administrations. This unexpected finding reminds people that even if during the peace period between the two sides of Taiwan Strait, Washington may still consider Taiwan as a piece of strategic chess, with the goal to maintain a dynamic *status quo* there.

The fourth variable, the amount of Taiwan lobby money, only partly relates to the Taiwan-related legislation. Its booming in 1979 and 1980 might be associated with the jump of Taiwan lobby money from \$ 0.19 million in the previous two years (1977–1978) to \$1.61 million (increasing more than 7 times). The second jump of lobby money to the height of \$4.8 million in 1987 and 1988 was also consistent with the dramatic increase in BAJs in the later years of the Reagan administration (from 11 to 19). The missing data of the Taiwan lobby money in 1992, 1993 and 1994 make it impossible to observe the impact of lobby money on these years’ legislative activities. It can only be observed that the average of lobby

money per Congress was \$7.19 million from 1994 to 2000, \$7.49 million from 2001 to 2008, and \$4.2 million from 2009 to 2016, corresponding weakly with the number of acts passed per Congress during these three periods (3, 4 and 2.5, respectively) as Table 1 shows.

To sum, the advantage of statistical analysis from the macro perspective is to grasp the general rule underneath complicated social phenomena by building parsimonious theoretic assumptions that are derived from common sense or existed knowledge. It also helps to verify the impact of limited independent variables on the dependent variables. As discussed above, the first hypothesis that a divided Congress is negatively correlated with Taiwan-related legislative activities and that a unified government is more productive in passing acts is verified through a cross-tabling analysis. A statistical analysis of the CMI values of weakly divided, strongly divided, and unified governments, however, suggests only positive but insignificant correlations between executive-legislative relations and Taiwan-related legislation. The second hypothesis that the worse U.S.–China relations, the higher degree of Taiwan-related legislation is verified statistically. The opposite way to state the third hypothesis—that the better cross–Strait relations, the less degree of Taiwan-related legislation—is rejected. While bad cross–Strait relations tend to produce more legislation, a fair relationship (neither too bad nor too good) between the two sides would really discourage legislative activities. The third hypothesis can be rephrased to accommodate empirical data, assuming that Congress would be quieter when cross–Strait relations are neither too bad nor too good. The fourth hypothesis that more Taiwanese money for lobby tends to produce more Taiwan-related legislation is partly verified at most. To avoid ecological fallacy, however, one should look into details of the Taiwan lobby and the specific behavior of pro-Taiwan members of U.S. Congress, including their party identity, individual perception of Taiwan, and the specific motivation under varied contexts. In other words, data analysis should be supplemented by thick description for a better understanding of congressional promotion of Taiwan-related legislation, as is discussed in the next section.

Taiwan-Related Legislation under the Trump Administration

Under the Trump administration, Taiwan-related legislation reached a historical height, with 61 BAJs, 33 important BAJs, 9 laws, and 6 military-related laws. Comparatively, under the first term of the Clinton administration, the figures are 42, 30, 13 and 5, respectively; under the first term of the George W. Bush administration, the figures are 36, 26, 12 and 4; under the first term of the Obama administration, the figures are 27, 20, 3 and 2. Although the number of acts passed under Trump is dwarfed by that under both President Clinton and Bush in their first terms, other three indicators all surpassed.

During the first two years of the Trump administration when Republicans controlled both Senate and House, Congress proposed 19 BAJs and 10 important BAJs, and made 4 laws with 3 containing military articles. During Trump's last two years in office when House fell into the hands of Democrats, however, the figures were 42, 23, 5, and 3, respectively. This is contrary to the previous pattern that a divided Congress tends to be less productive in legislation, probably due to 'anti-presidential bipartisanship' in Congress.²⁵

This deviation can be explained by both structural and personal factors. The concurrent worsening of U.S.–China relations and cross–Strait ties provided a stronger incentive for Congress to intervene into the Taiwan issue, making structural factors more salient in explaining Congressional activism during this period.

²⁵Tama, 'Forcing the President's Hand', pp. 411–412; Jordan Tama, 'Anti-presidential Bipartisanship in U.S. Foreign Policy under Trump: The Case of the International Affairs Budget' (paper presented at International Studies Association Annual Convention, Toronto, June 24, 2019), accessed March 12, 2021, <https://ssrn.com/abstract=3393170>.

In addition, Trump's campaign slogan—'Make America Great Again'—has revealed, willingly or unwillingly, an increasingly strategic anxiety in American society that the United States may likely lose its supremacy in the world. Since President Trump defined China as a strategic competitor or even rival to America, it was natural for Washington to play the Taiwan card and include the island into 'Free and Open Indo-Pacific Strategy' targeting China. The continuing political and military tension across the Taiwan Strait provided additional ammunition to the pro-Taiwan sentiments on Capitol Hill. Other factors may be important in the long run but not indispensable for the specific period, suggesting both the strength and weakness of macro analysis.

Although Republicans controlled both Senate and House in the early years of the Trump administration, President Trump was not a strong leader, even though he displayed a tough personality and unpredictable leadership style. As a successful businessman, Trump was a true believer in money and hard power, as he frankly admitted that real power was 'fear' when being interviewed by Bob Woodward and Robert Costa during the Republican primary for presidential elections on 31 March 2016.²⁶ Ironically, he was soon under a fear of being impeached by Congress for alleged connection with Russian agents during the presidential campaign. His populist (understood by himself as populist) style featured by anti-establishment, anti-elitism, and anti-globalism distanced him from Republican tradition and key members in Congress. The fact that he lost 2.8 million votes to Hillary Clinton but won a majority in Electoral College suggests that he enjoyed only insufficient support in East and West coastal areas and metropolitans where the middle and high social classes densely reside. These factors combined can explain why he failed to fill in all important political appointee positions in the government and changed key personnel figures surrounding him so frequently, including national security advisor (three times), White House Chief of Staff (twice), press secretary (three times), and secretaries for state department and defense (twice and three times). It is believed that the internal tension among his national security team members between populists like Steve Bannon and Republican traditionalists (or neoliberalists) like Gary Cohn also contributed to the lack of policy stability and political credibility.²⁷

Even if Trump might want to improve U.S.–China relations through summit diplomacy at the beginning, such an initiative could be constrained by structural problems between the two countries and get backfired in Congress and even within the White House. The NDAA 2018 that became effective at the end of 2017 clearly defines China as one of 'potential adversaries' to the United States, together with North Korea and Iran, worrying about the 'expansion by China of military and non-military means in the Indo-Asia-Pacific region.' Such ideas are reflected in the *National Security Strategy of the United States of America* issued by the White House at the same time. The report formally advocates the Indo-Pacific Strategy, considering China as one of the main competitors to the United States and reassuring continuing arms sales to Taiwan.²⁸ In addition to the NDAA 2018 and NDAA 2019 as well as *Asia Reassurance Initiative Act of 2018* (all containing pro-Taiwan articles), the 115th Congress pushed through the *Taiwan Travel Act*. The 116th Congress doubled the number of BAJs, including those important ones, and passed five Taiwan-related bills. In addition to the NDAA 2020, NDAA 2021, and the 'TAIPEI Act,' the TAA 2020 and *Employment Fairness for Taiwan Act of 2020* were attached to the 2021 appropriations act and defense authorization act, respectively. As mentioned above, congressional activism with 'anti-presidential bipartisanship' was indicated by its disapproval of Trump's position on the issues of Russian interference in the 2016 U.S. presidential election and military withdrawal from Syria during his first two years in office. After Trump was impeached by Democrats-controlled House in late 2019, the administration was under even greater pressure. Conceivably, the House and Senate overwhelmingly overrode Trump's veto of the NDAA

²⁶Bob Woodward and Robert Costa, 'Transcript: Donald Trump Interview with Bob Woodward and Robert Costa', *The Washington Post*, April 3, 2016, accessed March 14, 2021, <https://www.washingtonpost.com/news/post-politics/wp/2016/04/02/transcript-donald-trump-interview-with-bob-woodward-and-robert-costa/>.

²⁷Bob Woodward, *Fear: Trump in the White House* (New York, NY: Simon & Schuster, 2018).

²⁸The White House, *National Security Strategy of the United States of America* (Washington, DC: The White House, 2017), p. 21, p. 47.

2021. Ironically, 40 Republican Senators joined with 40 Democrats and 1 independent voted against the presidential veto on the first day of 2021, looking like a 'New Year gift' for an outgoing President from the then Republican-controlled Senate.

Pro-Taiwan legislation during the Trump administration has three main features. First, Taiwan is included into U.S. Indo-Pacific Strategy with stronger flavor of military cooperation. The NDAA 2018 has two special sections concerning Taiwan. Section 1259 titled 'Strengthening the Defense Partnership between the United States and Taiwan' indicates the 'sense of Congress' that the United States should 'strengthen and enhance its longstanding partnership and cooperation with Taiwan;' 'conduct regular transfers of defense articles and defense services . . . based solely on the needs of Taiwan;' 'invite the military forces of Taiwan to participate in military exercises, such as the "Red Flag" exercises;' 'carry out a program of exchanges of senior military officers and senior officials with Taiwan to improve military-to-military relations;' 'conduct bilateral naval exercises,' and 'consider the advisability and feasibility of reestablishing port of call exchanges between the United States navy and the Taiwan navy.' Section 1259A is aimed at 'Normalizing the Transfer of Defense Articles and Defense Services to Taiwan.'²⁹

The NDAA 2019 has two sections about Taiwan as well. Section 1257 entitled 'Strengthening Taiwan's Force Readiness' demands the Secretary of Defense 'conduct a comprehensive assessment of Taiwan's military forces' and 'provide recommendations to improve the efficiency, effectiveness, readiness, and resilience of Taiwan's self-defense capability.' Section 1258 expresses the 'sense of Congress' that the United States 'should improve the predictability of arms sales to Taiwan by ensuring timely review of and response to requests of Taiwan for defense articles and defense services,' 'with a particular emphasis on asymmetric warfare and undersea warfare capabilities.' Another new article in the Act is that "the Secretary of Defense should consider supporting the visit of a United States hospital ship to Taiwan as part of the annual 'Pacific Partnership' mission. The length of the NDAA 2019 is slightly shorter than its 2018 counterpart, with 575 words as opposed to 783 words. However, the word frequency of 'Taiwan' is about the same, which appears 23 and 22 times, respectively.³⁰

The NDAA 2020, however, has three sections regarding Taiwan with 954 words in total, with the word 'Taiwan' appearing 39 times. More importantly, this Act considers Taiwan as 'a vital partner of the United States' and 'critical to a free and open Indo-Pacific region' in the section titled 'Sense of Congress on Enhancement of the United States-Taiwan Defense Relationships.' The subjects of the other two sections are 'Report on Cybersecurity Activities with Taiwan' and 'Review and Report Related to the Taiwan Relations Act.' Other new points in the Act are to enhance 'cooperation on defense planning and improving the interoperability of United States and Taiwan forces,' ensure 'regular transits of United States Navy vessels through the Taiwan Strait,' and 'encourage allies and partners to follow suit in conducting such transits.' The word 'defense relationships' may carry even stronger meaning than 'defense partnership' as the latter has flavor of goal-oriented cooperation. Neither is stronger than the treaty-based 'alliance,' though.³¹

The NADD 2021 has three sections regarding Taiwan with about 1,100 words in total, with the word 'Taiwan' appearing 38 times.³² It reiterates that 'the United States should continue to support the development of capable, ready, and modern defense forces necessary for Taiwan to maintain a sufficient self-defense capability' and 'support the asymmetric defense strategy of Taiwan, including anti-ship, coastal defense, anti-armor, air defense, undersea warfare,' adding new wordings such as 'advanced command, control, communications, computers, intelligence, surveillance, and

²⁹National Defense Authorization Act for Fiscal Year 2018 (Washington, DC: U.S. Government Publishing Office, 2017).

³⁰John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Washington, DC: U.S. Government Publishing Office, 2018), pp. 132 STAT. 1636-2423.

³¹The NDAA 2018 uses the words 'defense relationship'—rather than 'defense partnership'—to refer to U.S.-India military ties.

³²The statistics here does not include Section 9724: Fairness for Taiwan nationals regarding employment at international financial institutions.

reconnaissance, and resilient command and control capabilities.' The Act demands that after its enactment the Secretary of State report to Congress on the 'United States commitment to supporting Taiwan in maintaining a sufficient self-defense capability' within 45 days and on 'the feasibility of establishing a medical security partnership with the Ministry of Defense of Taiwan' within 180 days.

Second, *quasi*-official relations between Washington and Taipei are greatly promoted. The *Taiwan Travel Act* effective in March 2018 states that the U.S. government 'should encourage visits between U.S. and Taiwanese officials at all levels.'³³ The *Asia Reassurance Initiative Act of 2018* effective in December 2018 reiterates that the President of the United States should encourage high-level officials to visit Taiwan in accordance with the *Taiwan Travel Act*, include Taiwan into the Indo-Pacific Strategy, and 'conduct regular transfers of defense articles to Taiwan.'³⁴ Moreover, the bill of *Taiwan Symbols of Sovereignty (SOS) Act of 2020* introduced by a group of Republican senators indicates that 'the Secretary of State and the Secretary of Defense shall permit members of the armed forces and government representatives from the Republic of China (Taiwan) or the Taipei Economic and Cultural Representative Office (TECRO) to display' 'symbols of Republic of China sovereignty, including—(1) the flag of the Republic of China (Taiwan); and (2) the corresponding emblems or insignia of military units' for official purpose of 'conducting government hosted ceremonies or functions.'³⁵ Should this bill be passed by Congress and signed by the President that would have been a great breakthrough in the development of U.S.–Taiwan relations.

Third, Congress has made great efforts to increase Taiwan's visibility in the international arena. The 'TAIPEI Act' effective on 26 March 2020 expresses U.S. support for Taiwan's diplomatic alliances around the world. The second section of the Act entitled '*Diplomatic Relations with Taiwan*' claims that 'Taiwan is a free, democratic and prosperous *nation* of 23,000,000 people and an important contributor to peace and stability around the world' (italics added) and criticizes the PRC for having 'intensified its effort to pressure Taiwan' since 2016. Noting the importance of 'Taiwan's unique relationship with the United States,' the Act supports Taiwan in 'strengthening its official diplomatic relationships as well as other partnerships with countries in the Indo-Pacific region and around the world.' It suggests the United States to increase its economic, security, and diplomatic engagement with nations that have demonstrably strengthened relations with Taiwan while reducing it with nations that have undermined ties with Taiwan. It demands that the Secretary of State 'report to the appropriate congressional committees on the steps taken' for Taiwan. The Act also advocates for 'Taiwan's membership in all international organizations in which statehood is not a requirement' and 'for Taiwan to be granted observer status in other appropriate international organizations.' It even instructs representatives of the United States Government in all international organizations 'to use the voice, vote, and influence of the United States to advocate for Taiwan's membership or observer status in such organizations' and the President or the President's designees to make the same advocacy 'as part of any relevant bilateral engagements between the United States and the People's Republic of China, including leader summits and the U.S.–China Comprehensive Economic Dialogue.' Regarding U.S.–Taiwan economic ties, the Act suggests that 'the United States Trade Representative should consult with Congress on opportunities for further strengthening bilateral trade and economic relations between the United States and Taiwan.' It is worthy to note that when Senate passed the Act on 29 October 2019, it still defined U.S.–Taiwan relations as 'unofficial.' However, when House passed it on 4 March 2020, it replaced the words of 'unofficial relations' with 'unique relationship,' which was accepted by Senate when it passed the Act again on 11 March 2020.³⁶

³³*Taiwan Travel Act* (Washington, DC: U.S. Government Publishing Office, 2018), pp. 132 STAT. 341–342.

³⁴*Asia Reassurance Initiative Act of 2018* (Washington, DC: U.S. Government Publishing Office, 2018), pp. 132 STAT. 5387–5411.

³⁵S. 3310, *Taiwan Symbols of Sovereignty (SOS) Act of 2020* (Washington, DC: U.S. Government Publishing Office, 2020).

³⁶*Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019* (Washington, DC: U.S. Government Publishing Office, 2020); Congressional Record–House, March 3, 2020, accessed March 26, 2020, <https://www.congress.gov/congressional-record/2020/03/03/house-section/article/H1452-1>;

Congressional Record–Senate, March 11, 2020, accessed March 26, 2020, <https://www.congress.gov/116/crec/2020/03/11/CREC-2020-03-11-pt1-PgS1710.pdf>.

If the *Taiwan Travel Act* and the 'TAIPEI Act' deal mainly with U.S.–Taiwan ties and Taiwan's foreign relations, the *Taiwan Assurance Act of 2020* covers both issues plus that of defense. Proposed by Senate in March 2019 (S. 878) and passed by House (H.R. 2002) in May 2019, the Act was finally attached to *Consolidated Appropriations Act, 2021* in the end of 2020. In the United States, it is natural for members of Congress to 'attach riders to appropriations bills or other legislation considered to be must-pass, restricting the president's ability to engage in particular activities.'³⁷ However, it is unusual to attach a Taiwan-related legislation to an appropriation bill, suggesting the expanding congressional activism in foreign affairs supported by bipartisanship and benefited from Congress's advantage at 'structural policy.'³⁸

The *Taiwan Assurance Act* defines Taiwan as 'a vital part of the United States Free and Open Indo-Pacific Strategy,' stating that 'the security of Taiwan and its democracy are key elements of continued peace and stability of the greater Indo-Pacific region.' It argues that the military balance of power across the Taiwan Strait has shifted in favor of the PRC and 'Taiwan and its diplomatic partners continue to face sustained pressure and coercion' from the PRC to 'isolate Taiwan from the international community.' In a section entitled 'Taiwan's Inclusion in International Organizations,' the Act advocates 'for Taiwan's meaningful participation in the United Nations, the World Health Assembly, the International Civil Aviation Organization, the International Criminal Police Organization,' and for Taiwan's membership in the Food and Agriculture Organization, the United Nations Educational, Scientific and Cultural Organization, and other international organizations for which statehood is not a requirement for membership.' It also claims that the PRC's attempts to dictate the terms of Taiwan's participation in international organizations has resulted in 'Taiwan's exclusion from such organizations even when statehood is not a requirement,' which is 'detrimental to global health, civilian air safety, and efforts to counter transnational crime,' negatively impacting 'the safety and security of citizens globally' and 'the security of Taiwan and its democracy.' The Act wants to 'ensure that the conduct of relations with Taiwan reflects the longstanding, comprehensive, and values-based relationship the United States shares with Taiwan.' The version of the Act proposed by the Republican-controlled Senate earlier was even tougher, attempting to 'ensure that any distinctions in *diplomatic* practice regarding relations with Taiwan must be consistent with the longstanding, comprehensive, *strategic*, and values-based relationship the United States shares with Taiwan' (italic added), with more irritating wordings for Beijing such as 'diplomatic' and 'strategic.' The Senate version also tried invalid to add one section 'Enhancing U.S.–Taiwan Defense Relationship,' requiring among other things that the Defense Attaché, 'The Chief of the Liaison Affairs section at the American Institute in Taiwan shall be a general or flag officer.'³⁹

The legislative process of the *Taiwan Assurance Act of 2020* vividly demonstrates the nuance competition between the Democrats-controlled House and the then Republican-controlled Senate, and between the activist Congress and the unpopular President on foreign policy. Indeed, Republicans have overtaken Democrats as main contributors to pro-Taiwan legislation consistently since 2011, as can be seen from [Table 1](#). During 2020, Congress proposed four bicameral bills specifically targeting Taiwan, including 'Taiwan Symbols of Sovereignty Act,' 'Taiwan Defense Act,' 'Taiwan Fellowship Act' and 'Taiwan Invasion Prevention Act,' two House bills for Taiwan, including 'Employment Fairness for Taiwan' and 'Taiwan Non-Discrimination Act,' and one Senate bill, 'Taiwan Relations Reinforcement Act.' These 11 bills except for the Senate version of 'Taiwan Fellowship Act' are all proposed by Republican members of Congress. This does not suggest that Democrats are necessarily more restrained on the Taiwan issue. As mentioned above, the House version of the 'TAIPEI Act' redefined U.S.–Taipei relations as 'unique relationship' rather than 'unofficial relations.' In the statement issued upon the passage of the House version, House Speaker Nancy Pelosi even

³⁷Wallner, 'A Dynamic Relationship', p. 20.

³⁸Lindsay and Ripley, 'How Congress Influences Foreign and Defense Policy', pp. 7–12.

³⁹H.R.2002, *Taiwan Assurance Act of 2019* (Washington, DC: U.S. Government Publishing Office, 2019); S.878, *Taiwan Assurance Act of 2019* (Washington, DC: U.S. Government Publishing Office, 2019); H.R.133, *Consolidated Appropriations Act, 2021* (Washington, DC: U.S. Government Publishing Office, December 31, 2020).

regards Taiwan as 'a key ally in the region and an important democratic partner' and emphasizes that 'America stands with Taiwan.' While the qualifier 'democratic' before 'partner' highlights U.S. affinity with Taiwan in political institutions and values, 'a key ally in the region' puts Taiwan in a security chessboard.⁴⁰

Both substantive legislation and expected reactions from Congress have their respective influence on the administration. As mentioned above, *Taiwan Symbols of Sovereignty (SOS) Act of 2020* was first introduced by Republican Senator Ted Cruz and cosponsored by his Republican colleagues Tom Cotton, Josh Hawley, Todd Young, Marco Rubio, Rick Scott, John Cornyn, Ben Sasse, Marsha Blackburn, and Martha McSally, and followed by House version (H.R. 6287) with 12 cosponsors. The main object of this bill seems not to 'pass bills but to use the threat of legislation as a lever with which to pressure the president.'⁴¹ Likewise, after House passed its version of *Taiwan Assurance Act of 2019*, considering 'Taiwan as a vital part or partner of U.S. Indo-Pacific Strategy,' the NDAA 2020 followed these wordings and the Department of State issued a report in November 2019 titled 'A Free and Open Indo-Pacific: Advancing a Shared Vision,' stating that 'U.S. vision and approach in the Indo-Pacific region aligns closely with Japan's Free and Open Indo-Pacific concept, India's Act East Policy, Australia's Indo-Pacific concept, the Republic of Korea's New Southern Policy, and Taiwan's New Southbound Policy,' adding elements of governance and security into Taipei's original New Southbound Policy focusing on economy and foreign exchange.⁴² Had the *Taiwan Assurance Act of 2019* not been simply renamed as *Taiwan Assurance Act of 2020* and enacted in the end of 2020, it would still have exerted its impacts on the administration in foreign affairs.

Through the analysis above, one can see that the idea of playing the 'Taiwan card' against a rising China has become a bipartisan consensus across the executive and legislative boundary, deriving from the simultaneous deterioration of U.S.–China relations and cross–Strait ties. While the yearly NDAA as well as the *Asia Reassurance Initiative Act of 2018* and the *Taiwan Assurance Act of 2020* highlight Congress's concern about Taiwan's security, the *Taiwan Travel Act* and the 'TAIPEI Act' as well as the legal stipulation of 'Fairness for Taiwan Nationals Regarding Employment at International Financial Institutions' within the NDAA2021 are aimed at promoting U.S.–Taiwan ties and the island's international status. Clearly, these legislative activities are informed by the idea that Taiwan is 'critical to a free and open Indo-Pacific region' and China is U.S. 'No. 1 threat' for decades to come."⁴³

Conclusion

This article assumes that congressional promotion of Taiwan-related legislation from 1979 to 2020 is shaped by executive–legislative interactions, U.S.–China relations, cross–Strait ties, and the Taiwan lobby. Through a quantitative cross–tabling analysis, it finds that a divided Congress is negatively correlated with Taiwan-related legislative activities while a unified government is more productive in passing acts. The second hypothesis that the worse U.S.–China relations, the higher degree of Taiwan-related legislation is verified statistically. The third hypothesis that the worse cross–Strait relations, the higher degree of pro–Taiwan legislation is partly verified. While bad cross–Strait relations tend to induce more Taiwan-related legislation, a fair relationship (neither too bad nor too good) between the two sides tends to discourage Taiwan-related legislation, suggesting that Congress would be quieter when cross–Strait relations are in a fair period. The fourth hypothesis that more Taiwanese money for lobby tends to produce more Taiwan-related legislation cannot be

⁴⁰See the statement at Press Release, 'Pelosi Statement on Passage of TAIPEI Act,' *Speaker.gov*, March 4, 2020, accessed March 11, 2020, <https://www.speaker.gov/newsroom/3420-1>.

⁴¹Lindsay, 'Congress and Foreign Policy,' p. 612.

⁴²U.S. Department of State, *A Free and Open Indo-Pacific: Advancing a Shared Vision* (Washington, DC: Bureau of East Asian and Pacific Affairs, 2019), p. 8.

⁴³*National Defense Authorization Act for Fiscal Year 2020* (Washington, DC: U.S. Government Publishing Office, 2019); Congressional Record, 1 January 2020, accessed 26 March 2020, <https://www.congress.gov/116/crec/2021/01/01/CREC-2021-01-01-pt1-PgS8000.pdf>.

verified statistically because of incomplete data. Data analysis from a macro perspective, however, could be supplemented by thick description for a better understanding of congressional promotion of Taiwan-related legislation.

A study of Taiwan-related legislation during the Trump administration confirms that the two of the four variables, U.S.–China relations and cross–Strait ties are more accountable than the other two. A weakly divided government in 2019 and 2020 cannot reduce congressional involvement in legislation concerning Taiwan. This does not suggest, however, that executive–legislative relations are irrelevant at all. It is simply because the simultaneous deterioration of U.S.–China and cross–Strait relations has reached a historical height that other factors fail to play an intervening role of neutralizing the effectiveness of these two powerful independent variables. Indeed, if the bipartisan consensus in the United States is to rebalance a rising China with more regional partners and to redefine cross–Strait *status quo* beyond the constraint of one–China policy, less leeway will be left for the interplay of executive and legislative branches within federal government of the United States. And if the bipartisan consensus between the ruling Democratic Progressive Party and the opposition Kuomintang in Taiwan is to rely on America to void off pressure from the mainland rather than seeking political conciliation with the latter, the ‘cold confrontation’ across the Strait can only add new nutrition to more intimate connection between Washington and Taipei. The gradual ‘normalization’ of U.S.–Taiwan ties may even ironically reduce the relevance of the Taiwan lobby, since the bilateral ties have been restored to a plateau with more institutionalized communication and exchange channels. A content analysis of the pro–Taiwan acts approved by the Trump administration suggests the danger of normalization of U.S.–Taiwan relations with Congress and the White House as the co–engines, which was rarely seen since Washington switched its diplomatic recognition from Taipei to Beijing in 1979.

Will congressional activism in Taiwan-related legislation in the Trump administration vanish under the Joe Biden administration when the Democrats barely maintain a unified government? In view of the trauma of American domestic politics and economic recession, a reserved foreign policy is in order, which requires more bipartisanship and institutional checks and balances. Normatively, unconstrained congressional activism or Presidential dominance in foreign affairs encourages interventionist policy.⁴⁴ Empirically, whether the White House can free itself from congressional heavy hands in foreign affairs is contingent upon whether the President enjoys leadership authority and personal charisma. President Carter’s decision to declare the establishment of U.S.–China relations during the congressional recess had provoked those pro–Taiwan members of Congress who were under the influence of the Taiwan lobby and led to the legislation of the *Taiwan Relations Act*. Likewise, President Clinton’s shaky moral position in his second term (partly because of his sex scandal) made Congress more reactive against his policy of engagement with the PRC at the cost of Taiwan, contributing to the booming of Taiwan-related legislation, and President Trump’s unpopularity triggered a strong reaction from Congress and resulted in more Taiwan-related legislation. By contrast, President Reagan’s pro–Taiwan image during the presidential campaign and the *Six Assurances* he made to Congress as well as Taiwan might have preempted an otherwise stronger reaction from Congress against the ‘August 17 Communiqué.’ It is worthy to note that the booming of Taiwan-related legislation in the late years of Carter and the early years of Clinton and Trump accompanies with a unified government. A unified government, nevertheless, does not necessarily lead to congressional activism, as the first two years of the Obama administration (with a low degree of Taiwan-related legislation) suggest, thanks to the *simultaneous* improvement of U.S.–China and cross–Strait relations then.

In the post–Trump era, Washington is poised to ‘take on directly the challenges’ posed by its ‘most serious competitor,’ i.e. China. According to President Biden, Washington will ‘confront China’s economic abuses; counter its aggressive, coercive action; to push back on China’s attack

⁴⁴As Wallner observes earlier, “If the various constraints on Congress’s foreign policy activism lead to a more reserved foreign policy stance, presidential dominance encourages interventionist policy. See Wallner, ‘A Dynamic Relationship’, p. 34.

on human rights, intellectual property, and global governance.’ However, it is ‘ready to work with Beijing when it’s in America’s interests to do so.’⁴⁵ It is likely that the Biden administration will handle the Taiwan issue within the traditional one-China policy, rather than delinking the two policy issues and playing the Taiwan card as wildly as former President Trump did amid the atmosphere of anti-globalism, anti-establishment, and anti-elitism. This does not suggest that the sentiment of ‘China basing’ is likely to recede, particularly in Congress. Rather, Congress will continue to involve itself in Taiwan-related legislative activities, the degree of which, however, is greatly contingent upon the dynamic state of U.S.–China relations as well as cross–Strait ties.

Acknowledgments

Gang Lin is the first author, Wenxing Zhou is the correspondence author, and Weixu Wu is the co-correspondence author. The authors would like to thank professor Zhong Yang, a visiting Changjiang Scholar at the School of International and Public Affairs of Shanghai Jiao Tong University, and two anonymous reviewers for their helpful comments and suggestions.

Disclosure Statement

No potential conflict of interest was reported by the author(s).

Funding

This work was supported by the 2021 Jiangsu Shuangchuang (Mass Innovation and Entrepreneurship) Talent Program, and National Social Science Fund of China (17BZZ076, 19@ZH042, 21CGJ047).

Notes on contributors

Gang Lin is a distinguished professor and director of Center for Taiwan Studies at the School of International and Public Affairs, Shanghai Jiao Tong University, China. He is also a vice president of Shanghai Society for Taiwan Studies. Professor Lin’s research interests include comparative politics, Chinese politics, democratic theory, Sino–U.S. relations, and the Taiwan issue. He can be reached at lingang@sjtu.edu.cn.

Wenxing Zhou is an assistant professor at the School of Government and research fellow at Huazhi Institute for Global Governance, Nanjing University, China. A former Rajawali Asia Fellow at John F. Kennedy School of Government, Harvard University, Dr. Zhou’s academic interests include Taiwan studies and International Relations. He can be reached at zhouwenxing@nju.edu.cn.

Weixu Wu is an assistant professor at the School of Public Policy & Management, Tsinghua University, China. Dr. Wu’s research interests include political and economic relations across the Taiwan Strait, political development in transitional countries, executive–legislative relationship, regional and industrial development. He can be reached at wuweixu1221@mail.tsinghua.edu.cn.

⁴⁵Joe Biden, ‘Remarks by President Biden on America’s Place in the World’, *The White House*, February 4, 2021, accessed March 28, 2020, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/02/04/remarks-by-president-biden-on-americas-place-in-the-world/>.