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Taiwan Presidents' U.S. Transit Visits

Introduction

Since 1994, four sitting presidents of Taiwan have undertaken a combined 29 trips abroad that have included transit stops in the United States. Since 1995, the U.S. government has not permitted Taiwan presidents to make non-transit visits to the United States. The U.S. government presents this policy as consistent with the unofficial nature of U.S.-Taiwan relations. (See also CRS In Focus IF10275, *Taiwan: Political and Security Issues*.)

Stakeholders in the U.S. government, Taiwan, and the People's Republic of China (PRC) see Taiwan presidents' U.S. transit visits differently.

- The U.S. executive branch presents transits as private, unofficial, and consistent with the U.S. one-China policy.
- Some Members of Congress have criticized U.S. protocol for the transits as excessively restrictive. Partly in response, the executive branch has gradually loosened such protocol restrictions.
- Taiwan governments have sought opportunities for transit visits, portraying U.S. permission for such stops as affirmation of U.S. support, despite the absence of diplomatic relations with the United States.
- The PRC government, which claims sovereignty over Taiwan, has long criticized Taiwan presidents' U.S. transit visits as inconsistent with U.S. commitments to maintain only unofficial relations with Taiwan, and charged that the transits undermine PRC "sovereignty and territorial integrity."

Evolution of U.S. Policy on Transits

Unofficial Relations

U.S.-Taiwan relations have been unofficial since January 1, 1979, when the United States established diplomatic relations with the PRC and terminated diplomatic relations with self-ruled Taiwan, which officially calls itself the Republic of China (ROC). In three joint communiqués concluded with the PRC in 1972, 1978, and 1982, the United States "acknowledged," but did not endorse, the "Chinese" position that "there is but one China and Taiwan is part of China." In the 1978 and 1982 communiqués, the United States also stated that it would "maintain cultural, commercial, and other *unofficial* relations with the people of Taiwan" (emphasis by CRS).

The 1979 Taiwan Relations Act (TRA; P.L. 96-8; 22 U.S.C. §3301 et seq.) provides the legal basis for unofficial U.S. relations with Taiwan. It refers to "[t]he President having

terminated governmental relations between the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979." The TRA goes on to state that it is U.S. policy "to preserve and promote extensive, close, and friendly commercial, cultural, and other relations" with "the people on Taiwan." The U.S. government presents the TRA and the U.S.-PRC communiqués, plus six assurances conveyed to Taiwan in 1982, as guiding the U.S. one-China policy. (See CRS In Focus IF11665, *President Reagan's Six Assurances to Taiwan*.)

1994 Taiwan Policy Review

For the first 15 years after terminating diplomatic relations with Taiwan, the U.S. executive branch interpreted unofficial relations with Taiwan as precluding visits of any sort by Taiwan presidents. In May 1994, however, the Clinton Administration for the first time permitted a Taiwan president to transit through the United States, allowing Taiwan's then-President Lee Teng-hui to stop to refuel his plane in Hawaii on his way to Central America, but not to spend the night. Apparently piqued, Lee declined to leave his plane. Some Members of Congress saw the Administration's treatment of Lee as insufficiently respectful. At a hearing of the Senate Foreign Relations Committee immediately after the transit, then-Senator Frank H. Murkowski observed that the U.S. government allowed figures such as Palestinian Liberation Organization Chairman Yasser Arafat and Tibet's exiled spiritual leader, the 14th Dalai Lama, to visit the United States. The American public might not understand, Murkowski suggested, "why our friends such as the Taiwanese are kept so far out and others without formal diplomatic relations with the United States can come to Washington."

In September 1994, the Clinton Administration completed a review of U.S. Taiwan policy. Subsequently-declassified briefing papers for Under Secretary of State Peter Tarnoff's travel to the PRC that month state that the Administration would now "[p]ermit normal transits of the U.S., but no visits or public activities, for Taiwan's top leadership," while continuing to "[f]orbid visits, as opposed to transits, by Taiwan's top leadership." On September 27, 1994, Assistant Secretary of State for East Asian and Pacific Affairs Winston Lord presented the outcome of the Taiwan Policy Review to Congress. He stated that President Bill Clinton "has decided to enhance our unofficial ties with Taiwan." Under questioning from Senators, one of whom expressed "dismay" over the conditions of President Lee's transit, Lord said "under our new policy, we will permit overnight visits. We will permit anything consistent with security and comfort and convenience so long as it's a transit visit." Lord added that "the Administration strongly opposes congressional attempts to legislate visits by top

leaders of the 'Republic of China' to the U.S." The next month, Congress passed the Immigration and Nationality Technical Corrections Act of 1994 (P.L. 103-416). Section 221 of the act states that whenever Taiwan presidents or high-level Taiwan officials apply for visas to visit the United States for discussions with federal or state officials, they "shall be admitted."

Taiwan President's 1995 Private U.S. Visit

In 1995, President Lee sought to make a private visit to his alma mater, Cornell University. The Clinton Administration initially denied the request and assured the PRC that no such visit would take place. President Clinton pivoted to approving the visit after Congress passed H.Con.Res. 53 (104th Congress) "Expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States." (The vote was 396-0 in the House, and 97-1 in the Senate.) Lee visited Cornell in June 1995 and addressed his fellow alumni. In response, the PRC carried out missile launches, live-fire exercises, a naval exercise, and an amphibious landing exercise over several months in 1995. In March 1996, the PRC undertook more missile launches and a joint amphibious landing exercise in an apparent attempt to drive down support for Lee ahead of Taiwan's first direct presidential election, which Lee won. The United States responded by dispatching two aircraft carrier battle groups to the area. The events are now known as the third Taiwan Strait Crisis, following earlier crises in 1954 and 1958.

Transits Since 1994

President Lee's 1995 visit to Cornell remains the sole non-transit visit to the United States by a Taiwan president in the era of unofficial relations. Taiwan presidents routinely transit through the United States on visits to and from the dwindling number of countries that maintain diplomatic relations with Taiwan. (Seven of Taiwan's remaining 13 diplomatic partners are in Latin America and the Caribbean. Four are in the Pacific and one, the Holy See, is in Europe.)

The main office of the American Institute in Taiwan (AIT), the ostensibly private entity through which the United States conducts unofficial relations with Taiwan, issues visas for Taiwan presidents and their delegations transiting through the United States. AIT's Washington headquarters processes their requests for port courtesies, including expedited processing and clearance at U.S. ports of entry and security arrangements. U.S. government practice is not to make executive branch officials available for meetings with transiting Taiwan presidents. Members of Congress and state and local officials often do meet with Taiwan presidents on U.S. transit stops. Transiting Taiwan presidents also commonly attend banquets with Taiwan expatriates. The AIT chairperson accompanies the Taiwan president in the United States. Transits now routinely involve overnight stays, public events, and media coverage.

The Taiwan Travel Act (2018)

In 2018, Congress passed the Taiwan Travel Act (P.L. 115-135). Section 3(b)(2) of the act states that it should be U.S. policy to "allow high-level officials of Taiwan to enter the United States, under conditions which demonstrate appropriate respect for the dignity of such officials, and to

meet with officials of the United States," including officials from the Departments of State and Defense.

2023 House Speaker Meeting

Taiwan President Tsai Ing-wen has made seven overseas trips with transit stops in the United States since 2016. (See **Table 1.**) On a March-April 2023 trip, Tsai met in New York with House Minority Leader Hakeem Jeffries and other Members, and then in California with House Speaker Kevin McCarthy and other Members. The Speaker is the highest-ranking U.S. official to meet with a Taiwan president on U.S. soil in the era of unofficial relations. The PRC condemned the McCarthy-Tsai meeting, with the Taiwan Work Office of the PRC's ruling Communist Party accusing Tsai's political party of "clinging to U.S. support to seek independence." The PRC response included three days of large-scale joint military exercises around Taiwan. On April 10, 2023, a White House official observed that transit visits by Taiwan presidents are "not uncommon" and, apparently addressing the PRC leadership, suggested there was "no reason for any overreaction here."

Table 1. Taiwan President Tsai's U.S. Transit Visits

Dates in U.S.	Diplomatic Partners Visited	U.S. Places Transited	Select Activities
3/29-31, 4/4-6, 2023	Guatemala and Belize	New York, Los Angeles	Met Speaker Kevin McCarthy in LA and Minority Leader Hakeem Jeffries in NYC
7/11-13, 7/19-21, 2019	Haiti, Saint Kitts and Nevis, Saint Vincent and Grenadines, St. Lucia	New York, Denver	Visited National Center for Atmospheric Research. Met Colorado Governor.
3/26-27, 2019	Palau, Nauru, Marshall Islands	Honolulu	Videoconference address to D.C.-based Heritage Foundation
8/12-13, 8/18-19, 2018	Paraguay, Belize	Los Angeles, Houston	Visited NASA's Johnson Space Center in Houston.
10/28-29, 11/3-4, 2017	The Marshall Islands, Tuvalu, the Solomon Islands	Honolulu, Guam	Visited USS Arizona Memorial in Hawaii. Met Guam Governor.
1/7-8, 1/13-14, 2017	Honduras, Nicaragua, Guatemala, El Salvador	Houston, San Francisco	Visited MD Anderson Cancer Center; met Texas Governor.
6/24-25, 6/30-7/1, 2016	Panama, Paraguay	Miami, Los Angeles	Spoke by phone with House Speaker Paul Ryan.

Source: Office of the President, Taiwan.

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