

106TH CONGRESS  
1ST SESSION

# H. R. 1838

To assist in the enhancement of the security of Taiwan, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1999

Mr. DELAY (for himself, Mr. ANDREWS, Mr. GILMAN, Mr. DEUTSCH, Mr. ROHRABACHER, Mr. WU, Mr. COX, Mr. JEFFERSON, Mr. DIAZ-BALART, Mrs. LOWEY, Mr. SMITH of New Jersey, Mr. HUNTER, Mr. BURTON of Indiana, Mr. COOK, and Mr. WELDON of Florida) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To assist in the enhancement of the security of Taiwan,  
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 “Taiwan Security En-  
5 hancement Act”.

### 6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) Since 1949, the close relationship between  
2           the United States and Taiwan has been of enormous  
3           benefit to both societies.

4           (2) In recent years, Taiwan has undergone a  
5           major political transformation, and Taiwan is today  
6           a true multiparty democracy with a political system  
7           separate from and totally unlike that of the People's  
8           Republic of China.

9           (3) The economy of Taiwan is based upon free  
10          market principles and is separate and distinct from  
11          the People's Republic of China.

12          (4) Although on January 1, 1979, the United  
13          States Government withdrew diplomatic recognition  
14          of the government on Taiwan as the legitimate gov-  
15          ernment of China, neither at that time nor since has  
16          the United States Government adopted a formal po-  
17          sition as to the ultimate status of Taiwan other than  
18          to state that status must be decided by peaceful  
19          means. Any determination of the ultimate status of  
20          Taiwan must have the express consent of the people  
21          on Taiwan.

22          (5) The government on Taiwan no longer  
23          claims to be the sole legitimate government of all of  
24          China.

1           (6) The Taiwan Relations Act (Public Law 96–  
2       8) states that—

3           (A) peace and stability in the Taiwan  
4       Strait area are in the political, security, and  
5       economic interests of the United States and are  
6       of international concern;

7           (B) the decision of the United States to es-  
8       tablish diplomatic relations with the People’s  
9       Republic of China rests upon the expectation  
10      that the future of Taiwan will be determined by  
11      peaceful means;

12          (C) the United States would consider any  
13      effort to determine the future of Taiwan by  
14      other than peaceful means, including boycotts  
15      or embargoes, a threat to the peace and secu-  
16      rity of the Western Pacific region and of grave  
17      concern to the United States;

18          (D) the United States will maintain the ca-  
19      pacity to resist any form of coercion that jeop-  
20      ardizes the security, or the social or the eco-  
21      nomic system, of the people on Taiwan; and

22          (E) the preservation and enhancement of  
23      the human rights of all the people on Taiwan  
24      are objectives of the United States.

1           (7) On the basis of these provisions, the Taiwan  
2       Relations Act establishes on the part of the United  
3       States a continuing connection with and concern for  
4       Taiwan, its people, and their ability to maintain  
5       themselves free of coercion and free of the use of  
6       force against them. The maintenance by Taiwan of  
7       forces adequate for defense and deterrence is in the  
8       interest of the United States in that it helps to  
9       maintain peace in the Taiwan Strait area.

10          (8) Since 1954, when the United States and  
11       Taiwan signed the Mutual Defense Treaty, the  
12       United States and Taiwan have maintained a de-  
13       fense and security relationship that has contributed  
14       greatly to freedom, peace, and stability in Taiwan  
15       and the East Asia and Pacific regions.

16          (9) The United States and Taiwan no longer  
17       conduct joint training missions, have no direct mili-  
18       tary lines of communication, and have only limited  
19       military-to-military contacts. This lack of commu-  
20       nication and interoperation between the United  
21       States and Taiwan hinders planning for the defense  
22       of Taiwan and could prove detrimental in the event  
23       of future aggression against Taiwan.

24          (10) Since 1979, the United States has contin-  
25       ued to sell defensive weapons to Taiwan in accord-

1       ance with the Taiwan Relations Act, and such sales  
2       have helped Taiwan maintain its autonomy and free-  
3       dom in the face of persistent hostility from the Peo-  
4       ple's Republic of China. However, pressures to delay,  
5       deny, and reduce arms sales to Taiwan have been  
6       prevalent since the signing of the August 17, 1982,  
7       communique with the People's Republic of China.  
8       Over time, such delays, denials, and reductions could  
9       prevent Taiwan from maintaining a sufficient capa-  
10      bility for self-defense.

11           (11) As has been affirmed on several occasions  
12      by the executive branch of Government, the provi-  
13      sions of the Taiwan Relations Act take legal prece-  
14      dence over any communique with the People's Re-  
15      public of China.

16           (12) The People's Republic of China has con-  
17      sistently refused to renounce the use of force against  
18      Taiwan and has repeatedly threatened force against  
19      Taiwan, including implied threats by unnamed Peo-  
20      ple's Republic of China officials on January 10,  
21      1999, who warned Taiwan not to participate in the  
22      development of theater missile defense capabilities  
23      with the United States.

24           (13) The missile firings by the People's Repub-  
25      lic of China near Taiwan in August 1995 and March

1       1996 clearly demonstrate the willingness of the Peo-  
2       ple's Republic of China to use forceful tactics to  
3       limit the freedom of the people on Taiwan.

4               (14) As most nations in East Asia reduce mili-  
5       tary spending, the People's Republic of China con-  
6       tinues a major and comprehensive military buildup.

7               (15)(A) This military buildup includes the de-  
8       velopment of advanced ballistic and cruise missiles  
9       that will incorporate precision guidance capability  
10      and the construction of new imaging, radar, naviga-  
11      tion, and electronic intelligence satellites that will  
12      help target and guide ballistic and cruise missiles.

13              (B) According to the Department of Defense  
14      report entitled "The Security Situation in the Tai-  
15      wan Strait", submitted to Congress in February  
16      1999, the size of the missile force of the People's  
17      Republic of China is expected to grow substantially  
18      and, by 2005, the People's Republic of China will  
19      possess an "overwhelming advantage" in offensive  
20      missiles vis-a-vis Taiwan.

21              (C) The Department of Defense has also noted  
22      that the People's Republic of China may already  
23      possess the capability to damage satellite optical sen-  
24      sors with lasers, is researching advanced anti-sat-  
25      ellite lasers that could blind United States intel-

1       ligence satellites, and is procuring radio frequency  
2       weapons that disable electronic equipment.

3               (D) These missile and anti-satellite capabilities  
4       pose a grave threat to Taiwan.

5               (16) This military buildup also includes the  
6       construction or procurement from abroad of ad-  
7       vanced naval systems, including Russian Kilo sub-  
8       marines that are difficult to detect, Russian tech-  
9       nology to assist the development of new nuclear-pow-  
10      ered attack submarines, Russian Sovremenny class  
11      destroyers armed with supersonic SS-N-22 Sunburn  
12      anti-ship missiles, a new long-range, all-weather  
13      naval attack aircraft called the JH-7, and new in-  
14      digenous land-attack cruise missiles that could be  
15      launched from submarines, ships, and naval attack  
16      aircraft. These naval capabilities pose a grave threat  
17      of blockade to Taiwan.

18              (17) This military buildup also includes the im-  
19      provement of air combat capabilities by procuring  
20      and co-producing hundreds of Russian Sukhoi Su-  
21      27 fighters, seeking to purchase Russian Su-30 all-  
22      weather attack aircraft, arming these aircraft with  
23      advanced air-to-air missiles such as the Russian R-  
24      77 missile and other precision guided munitions,  
25      constructing the indigenously designed J-10 fighter,

1 and seeking advanced airborne warning and control  
2 systems from abroad. These capabilities pose a grave  
3 airborne threat to Taiwan.

4 (18) Because of the introduction of advanced  
5 submarines into the Taiwan Strait area by the Peo-  
6 ple's Republic of China and the increasing capability  
7 of the People's Republic of China to blockade Tai-  
8 wan, Taiwan needs to acquire diesel-powered sub-  
9 marines in order to maintain a capability to counter  
10 a blockade, to conduct antisubmarine warfare train-  
11 ing, and for other purposes.

12 (19) Because of the democratic form of govern-  
13 ment on Taiwan and the historically nonaggressive  
14 foreign policy of Taiwan, it is highly unlikely that  
15 Taiwan would use submarines in an offensive man-  
16 ner.

17 (20) The current defense relationship between  
18 the United States and Taiwan is deficient in terms  
19 of its capacity over the long term to counter and  
20 deter potential aggression against Taiwan by the  
21 People's Republic of China.

22 **SEC. 3. SENSE OF CONGRESS.**

23 (a) TRAINING OF TAIWAN MILITARY OFFICERS.—It  
24 is the sense of Congress that the Secretary of Defense and  
25 the Secretaries of the military departments should make



1 every effort to reserve additional positions for Taiwan  
2 military officers at the National Defense University and  
3 other professional military education schools specified in  
4 section 2162(d) of title 10, United States Code, and for  
5 prospective Taiwan military officers at the United States  
6 Military Academy, the United States Naval Academy, and  
7 the Air Force Academy.

8 (b) FOREIGN MILITARY SALES.—It is the sense of  
9 Congress that the Secretary of State should, when consid-  
10 ering foreign military sales to Taiwan—

11 (1) take into account the special status of Tai-  
12 wan; and

13 (2) make every effort to ensure that Taiwan  
14 has full and timely access to price and availability  
15 data for defense articles and defense services.

16 **SEC. 4. DETERMINATIONS OF DEFENSE NEEDS OF TAIWAN.**

17 (a) INCREASE IN TECHNICAL STAFF OF THE AMER-  
18 ICAN INSTITUTE IN TAIWAN.—Upon the request of the  
19 Defense Security Cooperation Agency, the President shall  
20 use funds available to the Department of Defense under  
21 the Arms Export Control Act for the assignment or detail  
22 of additional technical staff to the American Institute in  
23 Taiwan.

24 (b) ANNUAL REPORTS.—Beginning 60 days after the  
25 next round of arms talks between the United States and

1 Taiwan, and annually thereafter, the President shall sub-  
2 mit a report to Congress—

3 (1) detailing each of Taiwan's requests for pur-  
4 chase of defense articles and defense services during  
5 the one-year period ending on the date of the report;

6 (2) describing the defense needs asserted by  
7 Taiwan as justification for those requests; and

8 (3) describing any decision to reject, postpone,  
9 or modify any such request that was made during  
10 the one-year period ending on the date of the report,  
11 the level at which the final decision was made, and  
12 a justification for the decision.

13 **SEC. 5. STRENGTHENING THE DEFENSE OF TAIWAN.**

14 (a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE  
15 CAPABILITIES OF TAIWAN.—Congress finds that any de-  
16 termination of the nature or quantity of defense articles  
17 or defense services to be made available to Taiwan that  
18 is made on any basis other than the defense needs of Tai-  
19 wan, whether pursuant to the August 17, 1982, Commu-  
20 nique signed with the People's Republic of China, or any  
21 similar executive agreement, order, or policy would violate  
22 the intent of Congress in the enactment of section 3(b)  
23 of the Taiwan Relations Act (22 U.S.C. 3302(b)).

24 (b) PLAN REGARDING COMBINED TRAINING AND  
25 PERSONNEL EXCHANGE PROGRAMS.—

1           (1) DEVELOPMENT.—The Secretary of Defense,  
2           in consultation with the Secretary of State, shall de-  
3           velop a plan for the enhancement of programs and  
4           arrangements for operational training and exchanges  
5           of personnel between the Armed Forces of the  
6           United States and the armed forces of Taiwan for  
7           work in threat analysis, doctrine, force planning,  
8           operational methods, and other areas. The plan shall  
9           provide for exchanges of officers up to and including  
10          general and flag officers in the grade of O–10.

11          (2) REPORT.—Not later than 180 days after  
12          the date of enactment of this Act, the Secretary of  
13          Defense shall submit a report to Congress, in classi-  
14          fied or unclassified form, containing the plan re-  
15          quired under paragraph (1).

16          (3) IMPLEMENTATION.—Not later than 210  
17          days after the date of enactment of this Act, the  
18          Secretary of Defense shall implement the plan re-  
19          quired under paragraph (1).

20          (c) COMMUNICATIONS BETWEEN UNITED STATES  
21          AND TAIWAN MILITARY COMMANDS.—Not later than 180  
22          days after the date of enactment of this Act, the Secretary  
23          of Defense shall establish secure direct communications  
24          between the United States Pacific military command and  
25          the Taiwan military command.

1 (d) MISSILE DEFENSE EQUIPMENT.—Subject to sub-  
2 section (h), the President is authorized to make available  
3 for sale to Taiwan, at reasonable cost, theater missile de-  
4 fense equipment and related items, including—

5 (1) ground-based and naval-based missile de-  
6 fense systems; and

7 (2) reconnaissance and communications sys-  
8 tems, as may be necessary to target and cue missile  
9 defense systems sold to Taiwan.

10 (e) SATELLITE EARLY WARNING DATA.—Subject to  
11 subsection (h), the President is authorized to make avail-  
12 able for sale to Taiwan, at reasonable cost, satellite early  
13 warning data.

14 (f) AIR DEFENSE EQUIPMENT.—Subject to sub-  
15 section (h), the President is authorized to make available  
16 for sale to Taiwan, at reasonable cost, modern air-defense  
17 equipment, including the following:

18 (1) AIM-120 AMRAAM air-to-air missiles.

19 (2) Additional advanced fighters and airborne  
20 warning and control systems (AWACS).

21 (3) Equipment to better defend airfields from  
22 air and missile attack.

23 (4) Communications infrastructure that enables  
24 coordinated joint-force air defense of Taiwan.

1       (g) NAVAL DEFENSE SYSTEMS.—Subject to sub-  
2 section (h), the President is authorized to make available  
3 for sale to Taiwan, at reasonable cost, defensive systems  
4 that counter the development by the People’s Republic of  
5 China of new naval capabilities, including defense systems  
6 such as—

7           (1) diesel-powered submarines;

8           (2) anti-submarine systems, including airborne  
9 systems, capable of detecting new Kilo and advanced  
10 Chinese nuclear submarines;

11          (3) naval anti-missile systems, including Aegis  
12 destroyers, capable of defeating foreign supersonic  
13 anti-ship missiles; and

14          (4) communications systems that better enable  
15 Taiwan to conduct joint-force naval defense oper-  
16 ations.

17       (h) RELATION TO ARMS EXPORT CONTROL ACT.—  
18 Nothing in this section supersedes or modifies the applica-  
19 tion of section 36 of the Arms Export Control Act to the  
20 sale of any defense article or defense service under this  
21 section.

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