

**Calendar No. 503**

106TH CONGRESS  
2D SESSION

**H. R. 1838**

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**AN ACT**

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

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APRIL 13, 2000

Read the second time and placed on the calendar

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106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1838

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2000

Received

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Taiwan Security En-  
3 hancement Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

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

9 (2) In recent years, Taiwan has undergone a  
10 major political transformation, and Taiwan is today  
11 a true multiparty democracy with a political system  
12 separate from and totally unlike that of the People’s  
13 Republic of China.

14 (3) The economy of Taiwan is based upon free  
15 market principles and is separate and distinct from  
16 the People’s Republic of China.

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

1           (5) The People’s Republic of China refuses to  
2 renounce the use of force against democratic Tai-  
3 wan.

4           (6) The Taiwan Relations Act has been instru-  
5 mental in maintaining peace, security, and stability  
6 in the Taiwan Strait and the Western Pacific since  
7 its enactment in 1979.

8           (7) The Taiwan Relations Act (Public Law 96–  
9 8) states that—

10           (A) peace and stability in the Taiwan  
11 Strait area are in the political, security, and  
12 economic interests of the United States and are  
13 of international concern;

14           (B) the decision of the United States to es-  
15 tablish diplomatic relations with the People’s  
16 Republic of China rests upon the expectation  
17 that the future of Taiwan will be determined by  
18 peaceful means;

19           (C) the United States would consider any  
20 effort to determine the future of Taiwan by  
21 other than peaceful means, including boycotts  
22 or embargoes, a threat to the peace and secu-  
23 rity of the Western Pacific region and of grave  
24 concern to the United States;

1           (D) the United States will maintain the ca-  
2           pacity to resist any form of coercion that jeop-  
3           ardizes the security, or the social or economic  
4           system, of the people of Taiwan; and

5           (E) the preservation and enhancement of  
6           the human rights of all people on Taiwan are  
7           objectives of the United States.

8           (8) The Taiwan Relations Act establishes on  
9           the part of the United States a continuing connec-  
10          tion with and concern for Taiwan and its people.  
11          Continued adherence to the Act will help Taiwan to  
12          maintain its democracy free of coercion and to safe-  
13          guard its people from the use of force against them.  
14          Furthermore, the maintenance by Taiwan of forces  
15          adequate for its defense is in the interest of the  
16          United States in that it helps to maintain peace in  
17          the Western Pacific region.

18          (9) The military modernization and weapons  
19          procurement efforts by the People's Republic of  
20          China, as documented in the February 1, 1999, re-  
21          port by the Secretary of Defense on "The Security  
22          Situation in the Taiwan Strait", could threaten  
23          cross-Strait stability and United States interests in  
24          the Asia-Pacific region.

1           (10) The Taiwan Relations Act provides explicit  
2           guarantees that the United States will make avail-  
3           able defense articles and services necessary in such  
4           quantity as may be necessary to enable Taiwan to  
5           maintain a sufficient self-defense capability.

6           (11) The Taiwan Relations Act requires timely  
7           reviews by United States military authorities of Tai-  
8           wan's defense needs in connection with recommenda-  
9           tions to the President and the Congress.

10          (12) Congress and the President are committed  
11          by the Taiwan Relations Act to determine the nature  
12          and quantity of Taiwan's legitimate self-defense  
13          needs.

14          (13) It is the policy of the United States to re-  
15          ject any attempt to curb the provision by the United  
16          States of defense articles and services legitimately  
17          needed for Taiwan's self-defense.

18          (14) In accordance with the Taiwan Relations  
19          Act, the United States has, since 1979, sold defen-  
20          sive weapons to Taiwan, and such sales have helped  
21          Taiwan maintain its autonomy and freedom. The  
22          Congress supports the continued provision of addi-  
23          tional defense articles and defense services in ac-  
24          cordance with the Taiwan Relations Act.

1           (15) It is in the national interest of the United  
2 States to eliminate ambiguity and convey with clar-  
3 ity continued United States support for Taiwan, its  
4 people, and their ability to maintain their democracy  
5 free from coercion and their society free from the  
6 use of force against them. Lack of clarity could lead  
7 to unnecessary misunderstandings or confrontations  
8 between the United States and the People’s Republic  
9 of China, with grave consequences for the security of  
10 the Western Pacific region.

11           (16) A possible consequence of such ambiguity  
12 and lack of clarity was the People’s Republic of Chi-  
13 na’s decision to conduct military exercises and live  
14 fire missile tests in the Taiwan Strait in March  
15 1996, necessitating House Concurrent Resolution  
16 148, approved by the House of Representatives by a  
17 vote of 369–14 on March 19, 1996, and by the Sen-  
18 ate by a vote of 97–0 on March 21, 1996, which  
19 stated that “the United States, in accordance with  
20 the Taiwan Relations Act and the constitutional  
21 process of the United States, and consistent with its  
22 friendship with and commitment to the democratic  
23 government and people of Taiwan, should assist in  
24 defending them against invasion, missile attack, or  
25 blockade by the People’s Republic of China.”. Imme-

1 diately following Congressional passage of House  
2 Concurrent Resolution 148, the United States de-  
3 ployed on an emergency basis two aircraft carrier  
4 battle groups to the Taiwan Strait, after which the  
5 People's Republic of China ceased further planned  
6 military exercises.

7 (17) An earlier consequence of such ambiguity  
8 and lack of clarity was the expressed surprise by the  
9 People's Republic of China that Congress and the  
10 American people fully supported President Lee  
11 Teng-hui's private visit to his alma mater, Cornell  
12 University, necessitating House Concurrent Resolu-  
13 tion 53, approved by the House of Representatives  
14 by a vote of 390–0 on May 2, 1995, and by the Sen-  
15 ate by a vote of 97–1 on May 9, 1995, which stated  
16 such support explicitly.

17 **SEC. 3. TRAINING OF MILITARY OFFICERS AND SALE OF**  
18 **DEFENSE ARTICLES AND SERVICES TO TAI-**  
19 **WAN.**

20 (a) TRAINING OF TAIWAN MILITARY OFFICERS.—  
21 The Secretary of Defense and the Secretaries of the mili-  
22 tary departments shall make every effort to reserve addi-  
23 tional positions for Taiwan military officers at the Na-  
24 tional Defense University and other professional military  
25 education schools specified in section 2162(d) of title 10,



1 United States Code, and for prospective Taiwan military  
2 officers at the United States Military Academy, the United  
3 States Naval Academy, and the Air Force Academy.

4 (b) FOREIGN MILITARY SALES.—The Secretary of  
5 State shall, when considering foreign military sales to  
6 Taiwan—

7 (1) take into account the special status of Tai-  
8 wan, including the defense needs of Taiwan in re-  
9 sponse to the military modernization and weapons  
10 procurement efforts by the People’s Republic of  
11 China; and

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

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

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

22 (b) ANNUAL REPORTS.—Beginning 60 days after the  
23 next round of arms talks between the United States and  
24 Taiwan, and annually thereafter, the President shall sub-

1 mit a report to Congress, in classified and unclassified  
2 form—

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 the decision-making process used  
9 to reject, postpone, or modify any such request.

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

11 (a) **MAINTENANCE OF SUFFICIENT SELF-DEFENSE**  
12 **CAPABILITIES OF TAIWAN.**—Congress finds that any de-  
13 termination of the nature or quantity of defense articles  
14 or defense services to be made available to Taiwan that  
15 is made on any basis other than section 3(b) of the Taiwan  
16 Relations Act (22 U.S.C. 3302(b)), whether such alter-  
17 native basis is the August 17, 1982, communique signed  
18 with the People’s Republic of China, or any similar execu-  
19 tive agreement, order, or policy, would violate the intent  
20 of Congress in the enactment of such Act.

21 (b) **COMBINED TRAINING AND PERSONNEL EX-**  
22 **CHANGE PROGRAMS.**—Not later than 210 days after the  
23 date of enactment of this Act, the Secretary of Defense  
24 shall implement a plan for the enhancement of programs  
25 and arrangements for operational training and exchanges

1 of senior officers between the Armed Forces of the United  
2 States and the armed forces of Taiwan for work in threat  
3 analysis, doctrine, force planning, operational methods,  
4 and other areas. At least 30 days prior to such implemen-  
5 tation, the Secretary of Defense shall submit the plan to  
6 Congress, in classified and unclassified form.

7 (c) REPORT REGARDING MAINTENANCE OF SUFFI-  
8 CIENT SELF-DEFENSE CAPABILITIES.—Not later than 45  
9 days after the date of the enactment of this Act, and annu-  
10 ally thereafter, the Secretary of Defense shall submit to  
11 the Congress, in classified and unclassified form, an an-  
12 nual report on the security situation in the Taiwan Strait.  
13 Such report shall include an analysis of the military forces  
14 facing Taiwan from the People’s Republic of China, evalu-  
15 ating recent additions to the offensive military capability  
16 of the People’s Republic of China. The report shall in-  
17 clude, but not be limited to, an analysis of the surface  
18 and subsurface naval threats, the ballistic missile threat,  
19 the air threat, and the threat to the military and civilian  
20 communications links in Taiwan. The report shall include  
21 a review of the steps taken by the armed forces of Taiwan  
22 to address its security situation.

23 (d) COMMUNICATIONS BETWEEN UNITED STATES  
24 AND TAIWAN MILITARY COMMANDS.—Not later than 180  
25 days after the date of the enactment of this Act, the Sec-

1   retary of Defense shall certify to the Committee on Inter-  
2   national Relations and the Committee on Armed Services  
3   of the House of Representatives and the Committee on  
4   Foreign Relations and the Committee on Armed Services  
5   of the Senate that direct secure communications exist be-  
6   tween the armed forces of the United States and the  
7   armed forces of Taiwan.

8           (e) **RELATION TO ARMS EXPORT CONTROL ACT.**—  
9   Nothing in this section supersedes or modifies the applica-  
10   tion of section 36 of the Arms Export Control Act to the  
11   sale of any defense article or defense service under this  
12   section.

13   **SEC. 6. REPORT REGARDING THE ABILITY OF THE UNITED**  
14                           **STATES TO RESPOND IN ASIA-PACIFIC CON-**  
15                           **TINGENCIES THAT INCLUDE TAIWAN.**

16           (a) **REPORT.**—Not later than 180 days after the date  
17   of the enactment of this Act, and updated as appropriate,  
18   the Secretary of Defense shall prepare and submit to the  
19   chairmen and ranking minority members of the Com-  
20   mittee on International Relations and the Committee on  
21   Armed Services of the House of Representatives and the  
22   Committee on Foreign Relations and the Committee on  
23   Armed Services of the Senate a report in classified and  
24   unclassified form on the ability of the United States to  
25   successfully respond to a major contingency in the Asia-

1 Pacific region where United States interests on Taiwan  
2 are at risk.

3 (b) CONTENTS.—The report described in subsection  
4 (a) shall include—

5 (1) a description of planning on the national,  
6 operational, and tactical levels to respond to, pro-  
7 ceute, and achieve United States strategic objectives  
8 with respect to a major contingency described in  
9 subsection (a); and

10 (2) a description of the confidence level of the  
11 Secretary of Defense in United States military capa-  
12 bilities to successfully respond to such a contingency.

13 (c) PREPARATION OF REPORT.—In preparing the re-  
14 port under subsection (a), the Secretary of Defense shall  
15 use the resources and expertise of the relevant unified  
16 commands, military departments, the combat support  
17 agencies, and the defense components of the intelligence  
18 community, as required, and other such entities within the  
19 Department of Defense as the Secretary considers nec-  
20 essary.

Passed the House of Representatives February 1,  
2000.

Attest:

JEFF TRANDAHL,

*Clerk.*