

Calendar No. 503

106TH CONGRESS
2D SESSION

H. R. 1838

AN ACT

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

APRIL 13, 2000

Read the second time and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2000

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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, prosc-
7 ecute, 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.