

110TH CONGRESS
2D SESSION

H. R. 6646

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Received

SEPTEMBER 26 (legislative day, SEPTEMBER 17), 2008

Read twice and referred to the Committee on Foreign Relations

AN ACT

To require the Secretary of State, in consultation with the Secretary of Defense, to provide detailed briefings to Congress on any recent discussions conducted between United States Government and the Government of Taiwan and any potential transfer of defense articles or defense services to the Government of Taiwan.

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. FINDINGS.**

4 Congress finds the following:

5 (1) Relations between the United States and
6 Taiwan are governed by the Taiwan Relations Act
7 (22 U.S.C. 3301 et seq.; Public Law 96–8), three
8 joint communiques, and the Six Assurances.

9 (2) The Taiwan Relations Act has governed
10 United States arms sales to Taiwan since 1979,
11 when the United States extended diplomatic recogni-
12 tion to the People’s Republic of China.

13 (3) The Taiwan Relations Act specifies that it
14 is United States policy, among other things, to con-
15 sider any nonpeaceful means to determine Taiwan’s
16 future “a threat” to the peace and security of the
17 Western Pacific and of “grave concern” to the
18 United States, “to provide Taiwan with arms of a
19 defensive character”, and “to maintain the capacity
20 of the United States to resist any resort to force or
21 other forms of coercion” jeopardizing the security or
22 social or economic system of Taiwan’s people.

23 (4) Section 3(a) of the Taiwan Relations Act
24 states that “the United States will make available to
25 Taiwan such defense articles and defense services in

1 such quantity as may be necessary to enable Taiwan
2 to maintain a sufficient self-defense capability”.

3 (5) Section 3(b) of the Taiwan Relations Act
4 stipulates that both the President and the Congress
5 shall determine the nature and quantity of such de-
6 fense articles and services “based solely” upon their
7 judgment of the needs of Taiwan.

8 (6) Taiwan has recently reversed a downward
9 trend in defense spending with a \$2.2 billion in-
10 crease in 2007 to \$9.8 billion and the Defense Min-
11 istry has requested and the Executive Yuan ap-
12 proved a 2008 budget of \$10.6 billion, an increase
13 of 15 percent.

14 (7) According to the Congressional Research
15 Service, the executive branch has yet to send any
16 arms transfer notifications to Congress during cal-
17 endar year 2008, including notifications on at least
18 seven pending arms sales programs with a total
19 value of about \$11 billion that encompass programs
20 on a submarine design, Patriot PAC-3 missile de-
21 fense systems, and Apache and Blackhawk heli-
22 copters.

23 (8) Taiwanese President Ma Ying-jeou stated
24 on July 12, 2008, that the island needs to secure de-

1 fensive weapons from the United States, despite a
2 warming of relations with mainland China.

3 (9) On July 16, 2008, Admiral Timothy
4 Keating, Commander of the Hawaii-based United
5 States Pacific Command, acknowledged that the ex-
6 ecutive branch had imposed a “freeze” on arms sales
7 to Taiwan, a decision that is in contradiction to
8 longstanding United States law and policy.

9 **SEC. 2. MANDATORY CONGRESSIONAL BRIEFINGS.**

10 (a) BRIEFINGS.—Not later than 90 days after the
11 date of enactment of this Act, and not later than 120 days
12 thereafter, the Secretary of State, in consultation with the
13 Secretary of Defense, shall provide detailed briefings to
14 Congress on—

15 (1) any discussions conducted between any ex-
16 ecutive branch agency and the Government of Tai-
17 wan during the covered period; and

18 (2) any potential transfer of defense articles or
19 defense services to the Government of Taiwan.

20 (b) DEFINITIONS.—In this section:

21 (1) COVERED PERIOD.—The term “covered pe-
22 riod” means—

23 (A) with respect to the initial briefings re-
24 quired under subsection (a), the period begin-
25 ning on the date of the enactment of this Act

1 and ending on the date of the initial briefings;
2 and

3 (B) with respect to the subsequent brief-
4 ings required under subsection (a), the period
5 beginning on the day after the date of the ini-
6 tial briefings required under subsection (a) and
7 ending on the date of the subsequent briefings.

8 (2) EXECUTIVE BRANCH AGENCY.—The term
9 “executive branch agency” has the meaning given
10 the term “agency” in section 551(1) of title 5,
11 United States Code.

12 (3) DEFENSE ARTICLE.—The term “defense ar-
13 ticle” has the meaning given the term in section 47
14 of the Arms Export Control Act (22 U.S.C. 2794
15 note).

16 (4) DEFENSE SERVICE.—The term “defense
17 service” has the meaning given the term in section
18 47 of the Arms Export Control Act (22 U.S.C. 2794
19 note).

Passed the House of Representatives September 23,
2008.

Attest: LORRAINE C. MILLER,
Clerk.