

111TH CONGRESS
1ST SESSION

H. R. 4102

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, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2009

Ms. ROS-LEHTINEN (for herself, Ms. BERKLEY, Mr. GINGREY of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MINNICK, Mr. ROYCE, Mr. ROSS, and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

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, 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. FINDINGS.**

4 Congress finds the following:

1 (1) The Taiwan Relations Act (22 U.S.C. 3301
2 et seq.; Public Law 96–8) is the cornerstone of rela-
3 tions between the United States and Taiwan, which
4 is also governed by the three joint communiqués and
5 the Six Assurances.

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

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

20 (4) Section 3(a) of the Taiwan Relations Act
21 states that “the United States will make available to
22 Taiwan such defense articles and defense services in
23 such quantity as may be necessary to enable Taiwan
24 to maintain a sufficient self-defense capability”.

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

6 (6) Taiwan in March 2009 issued its first
7 Quadrennial Defense Review, a robust, defense-ori-
8 ented strategy that aims to shape the regional secu-
9 rity environment and deter conflict while trans-
10 forming the military into a leaner, more efficient
11 fighting force with sustainable capabilities, thereby
12 helping to demonstrate that Taiwan has the resolve
13 and commitment to successfully strengthen its own
14 defenses.

15 (7) According to the Congressional Research
16 Service, the executive branch has yet to send any
17 arms transfer notifications to Congress for Taiwan
18 during calendar year 2009, including notifications
19 for Blackhawk helicopters, diesel submarine design,
20 and additional Patriot PAC-3 systems, nor has it
21 yet transferred the OSPREY class minehunter
22 coastal ships ORIOLE (MHC-55) and FALCON
23 (MHC-59), even though Congress authorized the
24 sale of these ships in calendar 2008 in the Consoli-

1 dated Natural Resources Act of 2008 (Public Law
2 110–229).

3 (8) Taiwanese President Ma Ying-jeou has reit-
4 erated his administration’s desire to acquire United
5 States built F–16 C/Ds and other weapons on many
6 public occasions, including in an April 22 address to
7 the United States by teleconference to mark the
8 30th anniversary of the Taiwan Relations Act and a
9 statement issued during a May 26 transit stop in
10 the United States on his way to Central America for
11 a diplomatic visit.

12 (9) Taiwanese President Ma Ying-jeou also
13 stated on October 2, 2009, that “Although there are
14 pragmatic improvements in cross-strait ties, this
15 doesn’t mean we can let our guard down.”.

16 (10) As highlighted in the March 2009 Depart-
17 ment of Defense annual report to Congress on Chi-
18 na’s military, “China’s armed forces are rapidly de-
19 veloping coercive capabilities . . . [that] could in the
20 future be used to pressure Taiwan toward a settle-
21 ment of the cross-Strait dispute on Beijing’s terms
22 while simultaneously attempting to deter, delay, or
23 deny any possible U.S. support for the island in case
24 of conflict.”.

1 **SEC. 2. MANDATORY CONGRESSIONAL BRIEFINGS.**

2 (a) BRIEFINGS.—Not later than 90 days after the
3 date of the enactment of this Act and at least annually
4 thereafter, the Secretary of State, in consultation with the
5 Secretary of Defense, shall provide detailed briefings to
6 Congress on—

7 (1) any discussions conducted between any ex-
8 ecutive branch agency and the Government of Tai-
9 wan during the covered period; and

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

12 (b) DEFINITIONS.—In this section:

13 (1) COVERED PERIOD.—The term “covered pe-
14 riod” means, with respect to—

15 (A) the initial briefing required under sub-
16 section (a), the period beginning on the date of
17 the enactment of this Act and ending on the
18 date of such initial briefing; and

19 (B) subsequent briefings required under
20 such subsection, the period beginning on the
21 day after the date of the most recent briefing
22 and ending on the date of any such subsequent
23 briefing.

24 (2) EXECUTIVE BRANCH AGENCY.—The term
25 “executive branch agency” has the meaning given

1 the term “agency” in section 551(1) of title 5,
2 United States Code.

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

6 (4) DEFENSE SERVICE.—The term “defense
7 service” has the meaning given the term in section
8 47 of the Arms Export Control Act (22 U.S.C.
9 2794).

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