

116TH CONGRESS
2D SESSION

H. R. 7423

To maintain the ability of the United States Armed Forces to deny a fait accompli by the People's Republic of China against Taiwan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2020

Mr. GALLAGHER introduced the following bill; which was referred to the Committee on Foreign Affairs, 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

A BILL

To maintain the ability of the United States Armed Forces to deny a fait accompli by the People's Republic of China against 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 Defense Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) DENY.—The term “deny” means to use
8 combined joint operations to delay, degrade, and ul-

1 timately defeat an attempt by the People’s Republic
2 of China to execute a fait accompli against Taiwan,
3 resulting in—

4 (A) the termination of hostilities or, at a
5 minimum, the termination of the attempted fait
6 accompli; or

7 (B) the neutralization of the ability of the
8 People’s Republic of China to execute a fait
9 accompli against Taiwan.

10 (2) FAIT ACCOMPLI.—The term “fait accompli”
11 means the strategy of the People’s Republic of
12 China designed to allow the People’s Republic of
13 China to use military force to seize control of Tai-
14 wan before the United States Armed Forces are able
15 to respond effectively, while simultaneously deterring
16 an effective combined joint response by the United
17 States Armed Forces by convincing the United
18 States that mounting such a response would be pro-
19 hibitively difficult or costly.

20 **SEC. 3. FINDINGS.**

21 Congress makes the following findings:

22 (1) Taiwan is—

23 (A) a beacon of democracy in Asia; and

1 (B) a steadfast partner of the United
2 States in the common pursuit of a free and
3 open Indo-Pacific region in which—

4 (i) all societies enjoy sovereign auton-
5 omy;

6 (ii) people live securely, prosperously,
7 and with dignity; and

8 (iii) the societies of the region rise
9 and fall not by coercion but on the basis
10 of peaceful competition.

11 (2) If the Government of the People's Republic
12 of China were to use military force to compel the
13 unification of Taiwan with the People's Republic of
14 China—

15 (A) the world would lose one of the great
16 champions of freedom and democracy;

17 (B) the United States and allies and part-
18 ners of the United States would face severe dif-
19 ficulty in maintaining favorable balances of
20 power relative to the People's Republic of China
21 in Northeast and Southeast Asia; and

22 (C) as the balance of power in the Indo-
23 Pacific region shifted in favor of the People's
24 Republic of China, the Government of the Peo-

1 ple’s Republic of China would possess an in-
2 creasing ability—

3 (i) to impose its will throughout the
4 Indo-Pacific region; and

5 (ii) to prevent United States access to
6 key trade routes and markets in the Indo-
7 Pacific region, thereby imposing severe
8 economic hardship on middle-class and
9 working-class people of the United States
10 and undermining the American way of life.

11 (3) In January 2019, the Defense Intelligence
12 Agency assessed that the “longstanding” intent of
13 the Government of the People’s Republic of China to
14 compel the unification of Taiwan with the People’s
15 Republic of China, and deter any attempt by Taiwan
16 to declare independence, was the “primary driver for
17 China’s military modernization”.

18 (4) The Department of Defense Indo-Pacific
19 Strategy Report released in June 2019, states that
20 the Government of the People’s Republic of China is
21 “preparing for a contingency to unify Taiwan with
22 the mainland by force, while simultaneously deter-
23 ring, delaying, or denying any third-party interven-
24 tion on Taiwan’s behalf”.

1 (5) Department of Defense statements and pub-
2 lications indicate that the Government of the Peo-
3 ple’s Republic of China is developing the plans and
4 capabilities required to employ the fait accompli
5 strategy to compel the unification of Taiwan with
6 the People’s Republic of China, including—

7 (A) the assessment by the Defense Science
8 Board in 2017 that the Government of the Peo-
9 ple’s Republic of China had adopted a theory of
10 victory whereby once conflict with the United
11 States appeared inevitable, as might be the case
12 if the Government of the People’s Republic of
13 China attempted to use military force to compel
14 the unification of Taiwan with the People’s Re-
15 public of China, then the Government of the
16 People’s Republic of China “will attempt to
17 achieve a decisive outcome very quickly, pre-
18 sented the United States and its allies with a
19 fait accompli” and “then seek to demonstrate
20 that the United States and its allies will incur
21 significant costs in seeking to reverse that out-
22 come”;

23 (B) the assessment in the Indo-Pacific
24 Strategy Report that, if the Government of the
25 People’s Republic of China or another compet-

1 itor in the Indo-Pacific region decides “to ad-
2 vance their interests through force, they are
3 likely to enjoy a local military advantage at the
4 onset of conflict. In a fait accompli scenario,
5 competitors would seek to employ their capabili-
6 ties quickly to achieve limited objectives and
7 forestall a response from the United States and
8 its allies and partners”;

9 (C) testimony by then Acting Secretary of
10 Defense Patrick Shanahan in March 2019
11 that—

12 (i) the Government of the People’s
13 Republic of China “has made investments
14 specifically intended to offset U.S. advan-
15 tages”; and

16 (ii) if deployed in the initial stages of
17 a conflict, “these capabilities could seek to
18 achieve a ‘fait accompli’ that would make
19 reversing Chinese gains more difficult,
20 militarily and politically”; and

21 (D) testimony by then Commanding Gen-
22 eral of Marine Corps Combat Development
23 Command Lieutenant General David Berger in
24 April 2019 that peer adversaries of the United

1 States seek “to create strategic dilemmas
2 through fait accompli scenarios”.

3 (6) In March 2019, then Acting Secretary of
4 Defense Patrick Shanahan testified that the imple-
5 mentation of the 2018 National Defense Strategy
6 would ensure the United States has “the capabili-
7 ties, posture, and employment of forces” required to
8 prevent a fait accompli by the People’s Republic of
9 China.

10 (7) According to the Indo-Pacific Strategy Re-
11 port, “[t]he National Defense Strategy implicitly ac-
12 knowledges the most stressing potential scenarios
13 will occur along our competitors’ peripheries”. An
14 attempted fait accompli by the People’s Republic of
15 China against Taiwan should therefore be expected
16 to constitute a “most stressing” potential scenario
17 for the United States Armed Forces.

18 (8) The National Defense Strategy Commission
19 found that the United States Armed Forces must be
20 postured “to deter and prevent a fait accompli by an
21 agile opportunistic adversary” in order to compete
22 effectively in the Indo-Pacific region and stated that
23 “the United States must develop new operational
24 concepts to achieve strategic advantage, including by
25 addressing the ability of aggressive regimes to

1 achieve a fait accompli against states on their pe-
2 riphery,” in recognition of—

3 (A) the unique challenges to the United
4 States Armed Forces posed by the employment
5 of the fait accompli strategy by the Government
6 of the People’s Republic of China or another
7 strategic competitor; and

8 (B) the consequent urgent need for new
9 thinking and steady focus by the Department of
10 Defense on ensuring the ability of the United
11 States Armed Forces to prevent an adversary
12 from using the fait accompli strategy to ad-
13 vance its interests at the expense of those of the
14 United States.

15 (9) Department of Defense strategic guidance
16 and official statements underscore the essential role
17 that denial operations will play in preventing a fait
18 accompli by the People’s Republic of China against
19 Taiwan, including—

20 (A) the incorporation in the National De-
21 fense Strategy of the Global Operating Model
22 that includes a “blunt layer” of combat-credible
23 forward forces postured and employed to
24 “delay, degrade, or deny adversary aggression”;

1 (B) the conclusion by the National Defense
2 Strategy Commission that the Department of
3 Defense must position “substantial capability
4 forward” in the form of the “blunt layer” in-
5 cluded in the Global Operating Model to “deter
6 and prevent a fait accompli”;

7 (C) the statement for the record by the
8 Commander of the United States Indo-Pacific
9 Command, Admiral Phil Davidson, in April
10 2018 in which he concludes, “[d]ue to the dis-
11 tances involved in the Indo-Pacific, we cannot
12 rely solely on surge forces from the continental
13 United States to deter Chinese aggression or
14 prevent a fait accompli. PACOM must maintain
15 a robust blunt layer that effectively deters Chi-
16 nese aggression in the Indo-Pacific”;

17 (D) the Joint Operating Concept for De-
18 terrence Operations, which states that forward-
19 deployed forces, such as those included in the
20 blunt layer of the Global Operating Model and
21 referenced by the National Defense Strategy
22 Commission and the Commander of the United
23 States Indo-Pacific Command, contribute to
24 “denying benefits” and thereby reduce “the
25 likelihood of an adversary achieving strategic or

1 tactical surprise, thus helping to prevent adver-
2 sary decisionmakers from concluding they
3 might achieve a military fait accompli that
4 could be extremely costly for the [United
5 States] to reverse by force”;

6 (E) the United States Army Multi-Domain
7 Operations concept document, which states that
8 the Armed Forces must demonstrate the capa-
9 bility “to immediately deny a fait accompli at-
10 tack” in order to deter a near-peer adversary;
11 and

12 (F) the Marine Corps Force Design 2030
13 report, which states that forward-deployed
14 forces “that can continue to operate inside an
15 adversary’s long-range precision-fire weapons
16 engagement zone (WEZ) are more operationally
17 relevant than forces which must rapidly maneu-
18 ver to positions outside the WEZ in order to re-
19 main survivable,” and that such “stand-in”
20 forces possess the capability to “attrite adver-
21 sary forces, enable joint force access require-
22 ments, complicate targeting and consume adver-
23 sary [intelligence, surveillance, and reconnais-
24 sance] resources, and prevent fait accompli sce-
25 narios”.

1 **SEC. 4. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the ability of the United States to uphold
4 a free and open Indo-Pacific region would be se-
5 verely compromised if the Government of the Peo-
6 ple's Republic of China were able to compel the uni-
7 fication of Taiwan with the People's Republic of
8 China, particularly if the People's Republic of China
9 were able to do so by military force;

10 (2) the loss by the United States of the ability
11 to maintain a free and open Indo-Pacific region
12 would result in the significantly increased vulner-
13 ability of the middle-class and working-class people
14 of the United States and the allies and partners of
15 the United States to economic coercion by the Gov-
16 ernment of the People's Republic of China;

17 (3) the fate of Taiwan is therefore crucially
18 linked to the fates of all countries in the Indo-Pa-
19 cific region, including to the fate of the United
20 States;

21 (4) under the Taiwan Relations Act (22 U.S.C.
22 3301 et seq.), it is the policy of the United States
23 to consider any effort to determine the future of
24 Taiwan by other than peaceful means to be of grave
25 concern to the United States;

1 (5) since 1979, the United States Government
2 has consistently upheld the commitments of the
3 United States under the Taiwan Relations Act (22
4 U.S.C. 3301 et seq.);

5 (6) the National Defense Authorization Act for
6 Fiscal Year 2020 (Public Law 116–92) reaffirms
7 that the Taiwan Relations Act (22 U.S.C. 3301 et
8 seq.) and the “Six Assurances” are the cornerstones
9 of United States relations with Taiwan;

10 (7) the Taiwan Relations Act (22 U.S.C. 3301
11 et seq.) further establishes the policy of the United
12 States “to maintain the capacity of the United
13 States to resist any resort to force or other forms
14 of coercion that would jeopardize the security, or the
15 social or economic system, of the people on Taiwan”;

16 (8) the Government of the People’s Republic of
17 China appears to be developing the plans and capa-
18 bilities required to use the fait accompli strategy to
19 compel the unification of Taiwan with the People’s
20 Republic of China, thereby jeopardizing the security
21 and the social and economic system of the people of
22 Taiwan;

23 (9) denial operations will have an essential role
24 in any strategy to prevent a fait accompli by the
25 People’s Republic of China against Taiwan; and

1 (10) implementation of the Taiwan Relations
2 Act (22 U.S.C. 3301 et seq.) therefore requires the
3 United States to maintain the ability to defeat a fait
4 accompli by the People's Republic of China against
5 Taiwan, especially by denial operations.

6 **SEC. 5. STATEMENT OF POLICY.**

7 It shall be the policy of the United States to maintain
8 the ability of the United States Armed Forces to deny a
9 fait accompli by the People's Republic of China against
10 Taiwan.

11 **SEC. 6. REPORT ON PROGRESS OF THE DEPARTMENT OF**
12 **DEFENSE WITH RESPECT TO DENYING A FAIT**
13 **ACCOMPLI BY THE PEOPLE'S REPUBLIC OF**
14 **CHINA AGAINST TAIWAN.**

15 (a) IN GENERAL.—Not later than April 30 each year,
16 beginning in 2021 and ending in 2026, the Secretary of
17 Defense shall submit to the congressional defense commit-
18 tees a report on the progress of the Department of De-
19 fense with respect to improving the ability of the United
20 States Armed Forces to conduct combined joint operations
21 to deny the ability of the People's Republic of China to
22 execute a fait accompli against Taiwan.

23 (b) MATTERS TO BE INCLUDED.—Each report under
24 subsection (a) shall include the following:

1 (1) An explanation of the objectives for the
2 United States Armed Forces that would be nec-
3 essary to deny the fait accompli by the People’s Re-
4 public of China against Taiwan.

5 (2) An identification of joint warfighting capa-
6 bilities and current efforts to organize, train, and
7 equip the United States Armed Forces in support of
8 the objectives referred to in paragraph (1), includ-
9 ing—

10 (A) an assessment of whether the pro-
11 grams included in the most recent future-years
12 defense program submitted to Congress under
13 section 221 of title 10, United States Code, are
14 sufficient to enable the United States Armed
15 Forces to conduct joint combined operations to
16 achieve such objectives;

17 (B) a description of additional investments
18 or force posture adjustments required to main-
19 tain or improve the ability of the United States
20 Armed Forces to conduct joint combined oper-
21 ations to achieve such objectives;

22 (C) a description of the manner in which
23 the Secretary of Defense intends to develop and
24 integrate Army, Navy, Air Force, Marine
25 Corps, and Space Force operational concepts to

1 maintain or improve the ability of the United
2 States Armed Forces to conduct joint combined
3 operations to achieve such objectives; and

4 (D) an assessment of the manner in which
5 different options for pre-delegating authorities,
6 including authorities relating to kinetic strikes
7 against targets on the mainland of the People's
8 Republic of China, may improve the ability of
9 the United States Armed Forces to conduct
10 joint combined operations to achieve such objec-
11 tives.

12 (3) An assessment of the role of the nuclear
13 forces of the United States in deterring or defeating
14 a fait accompli by the People's Republic of China
15 against Taiwan, including concepts for—

16 (A) deterring limited use of nuclear weap-
17 ons by the People's Republic of China in the
18 Indo-Pacific region without undermining the
19 ability of the United States Armed Forces to
20 maintain nuclear deterrence at the strategic
21 and theater levels against the Russian Federa-
22 tion and the Democratic People's Republic of
23 Korea; and

24 (B) ensuring the United States Armed
25 Forces are able to continue combined joint op-

1 erations to defend Taiwan in a nuclear environ-
2 ment following nuclear weapons use by the Peo-
3 ple’s Republic of China or the United States.

4 (c) FORM.—Each report required by subsection (a)
5 shall be submitted in classified form but may include an
6 unclassified executive summary.

7 (d) CONGRESSIONAL DEFENSE COMMITTEES DE-
8 FINED.—In this section, the term “congressional defense
9 committees” has the meaning given the term in section
10 101(a)(16) of title 10, United States Code.

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