

106TH CONGRESS
2^D SESSION

H. R. 1838

[Report No. 106–423, Part I]

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

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1999

Mr. DELAY (for himself, Mr. ANDREWS, Mr. GILMAN, Mr. DEUTSCH, Mr. ROHRABACHER, Mr. WU, Mr. COX, Mr. JEFFERSON, Mr. DIAZ-BALART, Mrs. LOWEY, Mr. SMITH of New Jersey, Mr. HUNTER, Mr. BURTON of Indiana, Mr. COOK, and Mr. WELDON of Florida) introduced the following bill; which was referred to the Committee on International Relations, 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

OCTOBER 28, 1999

Reported from the Committee on International Relations with an amendment
[Strike out all after the enacting clause and insert the part printed in italic]

OCTOBER 28, 1999

Referral to the Committee on Armed Services extended for a period ending not later than November 5, 1999

NOVEMBER 5, 1999

Referral to the Committee on Armed Services extended for a period ending not later than November 10, 1999

NOVEMBER 10, 1999

Referral to the Committee on Armed Services extended for a period ending not later than November 12, 1999

NOVEMBER 11, 1999

Referral to the Committee on Armed Services extended for a period ending not later than November 17, 1999

NOVEMBER 17, 1999

Referral to the Committee on Armed Services extended for a period ending
not later than November 18, 1999

NOVEMBER 18, 1999

Referral to the Committee on Armed Services extended for a period ending
not later than November 19, 1999

NOVEMBER 19, 1999

Referral to the Committee on Armed Services extended for a period ending
not later than November 22, 1999

NOVEMBER 22, 1999

Referral to the Committee on Armed Services extended for a period ending
not later than February 4, 2000

FEBRUARY 1, 2000

Additional sponsors: Mr. SCHAFFER, Mr. FORBES, Mr. WEXLER, Mr. EHR-
LICH, Mrs. MYRICK, Mr. GARY MILLER of California, Mr. ENGLISH, Mr.
BLILEY, Mrs. MORELLA, Mr. CRANE, Mr. HEFLEY, Mr. DEAL of Geor-
gia, Mr. McNULTY, Mr. HASTINGS of Florida, Mr. SUNUNU, Mr.
WHITFIELD, Mr. BARTON of Texas, Mr. FRANK of Massachusetts, Mr.
CALVERT, Mr. FOLEY, Mr. GEJDENSON, Mr. RADANOVICH, Mr. BARR of
Georgia, Mrs. MALONEY of New York, Mr. BILIRAKIS, Mr. LINDER, Mr.
BERMAN, Mr. KLECZKA, Mr. VITTER, Mr. MALONEY of Connecticut, Ms.
DUNN, Mr. MARTINEZ, Mr. ROGAN, Ms. PRYCE of Ohio, Mr. BACHUS,
Mr. ARMEY, Mr. WYNN, Mr. FRANKS of New Jersey, Mr. NEY, Mr. DOO-
LITTLE, Mr. DEMINT, Mr. FROST, Mr. PAYNE, Mr. TANCREDO, Mr.
CHABOT, Mr. BURR of North Carolina, Mr. COBLE, Mr. SANFORD, Mr.
McCOLLUM, Mr. HANSEN, Mr. ETHERIDGE, Mr. TALENT, Mr. TAYLOR
of North Carolina, Mr. SESSIONS, Mr. SAM JOHNSON of Texas, Mr.
KING, Mr. TIAHRT, Mr. HUTCHINSON, Mr. HOEFFEL, Mr. MEEKS of
New York, Mr. VENTO, Mr. UNDERWOOD, Mr. ACKERMAN, Mr. CROW-
LEY, Mr. ORTIZ, Mr. SHERMAN, and Mr. JONES of North Carolina

[For text of introduced bill, see copy of bill as introduced on May 18, 1999]

A BILL

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 the*
7 *United States and Taiwan has been of enormous ben-*
8 *efit 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 posi-*
22 *tion 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 re-*
2 *nounce the use of force against democratic Taiwan.*

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

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

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

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

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

24 (D) *the United States will maintain the ca-*
25 *capacity to resist any form of coercion that jeop-*

1 *ardizes the security, or the social or economic*
2 *system, of the people of Taiwan; and*

3 *(E) the preservation and enhancement of*
4 *the human rights of all people on Taiwan are ob-*
5 *jectives of the United States.*

6 *(8) The Taiwan Relations Act establishes on the*
7 *part of the United States a continuing connection*
8 *with and concern for Taiwan and its people. Contin-*
9 *ued adherence to the Act will help Taiwan to main-*
10 *tain its democracy free of coercion and to safeguard*
11 *its people from the use of force against them. Further-*
12 *more, the maintenance by Taiwan of forces adequate*
13 *for its defense is in the interest of the United States*
14 *in that it helps to maintain peace in the Western Pa-*
15 *cific region.*

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

23 *(10) The Taiwan Relations Act provides explicit*
24 *guarantees that the United States will make available*
25 *defense articles and services necessary in such quan-*

1 *tity as may be necessary to enable Taiwan to main-*
2 *tain a sufficient self-defense capability.*

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

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

11 *(13) It is the policy of the United States to reject*
12 *any attempt to curb the provision by the United*
13 *States of defense articles and services legitimately*
14 *needed for Taiwan's self-defense.*

15 *(14) In accordance with the Taiwan Relations*
16 *Act, the United States has, since 1979, sold defensive*
17 *weapons to Taiwan, and such sales have helped Tai-*
18 *wan maintain its autonomy and freedom. The Con-*
19 *gress supports the continued provision of additional*
20 *defense articles and defense services in accordance*
21 *with the Taiwan Relations Act.*

22 *(15) It is in the national interest of the United*
23 *States to eliminate ambiguity and convey with clar-*
24 *ity continued United States support for Taiwan, its*
25 *people, and their ability to maintain their democracy*

1 *free from coercion and their society free from the use*
2 *of force against them. Lack of clarity could lead to*
3 *unnecessary misunderstandings or confrontations be-*
4 *tween the United States and the People’s Republic of*
5 *China, with grave consequences for the security of the*
6 *Western Pacific region.*

7 *(16) A possible consequence of such ambiguity*
8 *and lack of clarity was the People’s Republic of Chi-*
9 *na’s decision to conduct military exercises and live*
10 *fire missile tests in the Taiwan Strait in March 1996,*
11 *necessitating House Concurrent Resolution 148, ap-*
12 *proved by the House of Representatives by a vote of*
13 *369–14 on March 19, 1996, and by the Senate by a*
14 *vote of 97–0 on March 21, 1996, which stated that*
15 *“the United States, in accordance with the Taiwan*
16 *Relations Act and the constitutional process of the*
17 *United States, and consistent with its friendship with*
18 *and commitment to the democratic government and*
19 *people of Taiwan, should assist in defending them*
20 *against invasion, missile attack, or blockade by the*
21 *People’s Republic of China.”. Immediately following*
22 *Congressional passage of House Concurrent Resolu-*
23 *tion 148, the United States deployed on an emergency*
24 *basis two aircraft carrier battle groups to the Taiwan*

1 *Strait, after which the People’s Republic of China*
2 *ceased further planned military exercises.*

3 *(17) An earlier consequence of such ambiguity*
4 *and lack of clarity was the expressed surprise by the*
5 *People’s Republic of China that Congress and the*
6 *American people fully supported President Lee Teng-*
7 *hui’s private visit to his alma mater, Cornell Univer-*
8 *sity, necessitating House Concurrent Resolution 53,*
9 *approved by the House of Representatives by a vote*
10 *of 390–0 on May 2, 1995, and by the Senate by a*
11 *vote of 97–1 on May 9, 1995, which stated such sup-*
12 *port explicitly.*

13 **SEC. 3. TRAINING OF MILITARY OFFICERS AND SALE OF DE-**
14 **FENSE ARTICLES AND SERVICES TO TAIWAN.**

15 *(a) TRAINING OF TAIWAN MILITARY OFFICERS.—The*
16 *Secretary of Defense and the Secretaries of the military de-*
17 *partments shall make every effort to reserve additional posi-*
18 *tions for Taiwan military officers at the National Defense*
19 *University and other professional military education*
20 *schools specified in section 2162(d) of title 10, United States*
21 *Code, and for prospective Taiwan military officers at the*
22 *United States Military Academy, the United States Naval*
23 *Academy, and the Air Force Academy.*

1 (b) *FOREIGN MILITARY SALES.*—*The Secretary of*
2 *State shall, when considering foreign military sales to*
3 *Taiwan—*

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

9 (2) *make every effort to ensure that Taiwan has*
10 *full and timely access to price and availability data*
11 *for defense articles and defense services.*

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

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

19 (b) *ANNUAL REPORTS.*—*Beginning 60 days after the*
20 *next round of arms talks between the United States and*
21 *Taiwan, and annually thereafter, the President shall sub-*
22 *mit a report to Congress, in classified and unclassified*
23 *form—*

1 (1) detailing each of Taiwan's requests for pur-
2 chase of defense articles and defense services during
3 the one-year period ending on the date of the report;

4 (2) describing the defense needs asserted by Tai-
5 wan as justification for those requests; and

6 (3) describing the decision-making process used
7 to reject, postpone, or modify any such request.

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

9 (a) *MAINTENANCE OF SUFFICIENT SELF-DEFENSE CA-*
10 *PABILITIES OF TAIWAN.*—Congress finds that any deter-
11 *mination of the nature or quantity of defense articles or*
12 *defense services to be made available to Taiwan that is*
13 *made on any basis other than section 3(b) of the Taiwan*
14 *Relations Act (22 U.S.C. 3302(b)), whether such alternative*
15 *basis is the August 17, 1982, communique signed with the*
16 *People's Republic of China, or any similar executive agree-*
17 *ment, order, or policy, would violate the intent of Congress*
18 *in the enactment of such Act.*

19 (b) *COMBINED TRAINING AND PERSONNEL EXCHANGE*
20 *PROGRAMS.*—Not later than 210 days after the date of en-
21 *actment of this Act, the Secretary of Defense shall imple-*
22 *ment a plan for the enhancement of programs and arrange-*
23 *ments for operational training and exchanges of senior offi-*
24 *cers between the Armed Forces of the United States and the*
25 *armed forces of Taiwan for work in threat analysis, doc-*

1 *trine, force planning, operational methods, and other areas.*
2 *At least 30 days prior to such implementation, the Sec-*
3 *retary of Defense shall submit the plan to Congress, in clas-*
4 *sified and unclassified form.*

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

21 *(d) COMMUNICATIONS BETWEEN UNITED STATES AND*
22 *TAIWAN MILITARY COMMANDS.—Not later than 180 days*
23 *after the date of the enactment of this Act, the Secretary*
24 *of Defense shall certify to the Committee on International*
25 *Relations and the Committee on Armed Services of the*

1 *House of Representatives and the Committee on Foreign Re-*
2 *lations and the Committee on Armed Services of the Senate*
3 *that direct secure communications exist between the armed*
4 *forces of the United States and the armed forces of Taiwan.*

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

10 **SEC. 6. REPORT REGARDING THE ABILITY OF THE UNITED**
11 **STATES TO RESPOND IN ASIA-PACIFIC CON-**
12 **TINGENCIES THAT INCLUDE TAIWAN.**

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

24 *(b) CONTENTS.—The report described in subsection (a)*
25 *shall include—*

1 (1) a description of planning on the national,
2 operational, and tactical levels to respond to, pros-
3 ecute, and achieve United States strategic objectives
4 with respect to a major contingency described in sub-
5 section (a); and

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

9 (c) *PREPARATION OF REPORT.*—In preparing the re-
10 port under subsection (a), the Secretary of Defense shall use
11 the resources and expertise of the relevant unified com-
12 mands, military departments, the combat support agencies,
13 and the defense components of the intelligence community,
14 as required, and other such entities within the Department
15 of Defense as the Secretary considers necessary.

○