

106TH CONGRESS
1ST SESSION

S. 693

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

IN THE SENATE OF THE UNITED STATES

MARCH 24, 1999

Mr. HELMS (for himself and Mr. TORRICELLI) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Taiwan Security En-
5 hancement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Since 1949, the close relationship between
9 the United States and Taiwan has been of enormous
10 benefit to both societies.

1 (2) In recent years, Taiwan has undergone a
2 major political transformation, and Taiwan is today
3 a true multiparty democracy with a political system
4 separate from and totally unlike that of the People's
5 Republic of China.

6 (3) The economy of Taiwan is based upon free
7 market principles and is separate and distinct from
8 the People's Republic of China.

9 (4) Although on January 1, 1979, the United
10 States Government withdrew diplomatic recognition
11 of the government on Taiwan as the legitimate gov-
12 ernment of China, neither at that time nor since has
13 the United States Government adopted a formal po-
14 sition as to the ultimate status of Taiwan other than
15 to state that status must be decided by peaceful
16 means. Any determination of the ultimate status of
17 Taiwan must have the express consent of the people
18 on Taiwan.

19 (5) The government on Taiwan no longer
20 claims to be the sole legitimate government of all of
21 China.

22 (6) The Taiwan Relations Act (Public Law 96-
23 8) states that—

24 (A) peace and stability in the Taiwan
25 Strait area are in the political, security, and

1 economic interests of the United States and are
2 of international concern;

3 (B) the decision of the United States to es-
4 tablish diplomatic relations with the People's
5 Republic of China rests upon the expectation
6 that the future of Taiwan will be determined by
7 peaceful means;

8 (C) the United States would consider any
9 effort to determine the future of Taiwan by
10 other than peaceful means, including boycotts
11 or embargoes, a threat to the peace and secu-
12 rity of the Western Pacific region and of grave
13 concern to the United States;

14 (D) the United States will maintain the ca-
15 pacity to resist any form of coercion that jeop-
16 ardizes the security, or the social or the eco-
17 nomic system, of the people on Taiwan; and

18 (E) the preservation and enhancement of
19 the human rights of all the people on Taiwan
20 are objectives of the United States.

21 (7) On the basis of these provisions, the Taiwan
22 Relations Act establishes on the part of the United
23 States a continuing connection with and concern for
24 Taiwan, its people, and their ability to maintain
25 themselves free of coercion and free of the use of

1 force against them. The maintenance by Taiwan of
2 forces adequate for defense and deterrence is in the
3 interest of the United States in that it helps to
4 maintain peace in the Taiwan Strait area.

5 (8) Since 1954, when the United States and
6 Taiwan signed the Mutual Defense Treaty, the
7 United States and Taiwan have maintained a de-
8 fense and security relationship that has contributed
9 greatly to freedom, peace, and stability in Taiwan
10 and the East Asia and Pacific regions.

11 (9) The United States and Taiwan no longer
12 conduct joint training missions, have no direct mili-
13 tary lines of communication, and have only limited
14 military-to-military contacts. This lack of commu-
15 nication and interoperation between the United
16 States and Taiwan hinders planning for the defense
17 of Taiwan and could prove detrimental in the event
18 of future aggression against Taiwan.

19 (10) Since 1979, the United States has contin-
20 ued to sell defensive weapons to Taiwan in accord-
21 ance with the Taiwan Relations Act, and such sales
22 have helped Taiwan maintain its autonomy and free-
23 dom in the face of persistent hostility from the Peo-
24 ple's Republic of China. However, pressures to delay,
25 deny, and reduce arms sales to Taiwan have been

1 prevalent since the signing of the August 17, 1982,
2 communique with the People's Republic of China.
3 Over time, such delays, denials, and reductions could
4 prevent Taiwan from maintaining a sufficient capa-
5 bility for self-defense.

6 (11) As has been affirmed on several occasions
7 by the executive branch of Government, the provi-
8 sions of the Taiwan Relations Act take legal prece-
9 dence over any communique with the People's Re-
10 public of China.

11 (12) The People's Republic of China has con-
12 sistently refused to renounce the use of force against
13 Taiwan and has repeatedly threatened force against
14 Taiwan, including implied threats by unnamed Peo-
15 ple's Republic of China officials on January 10,
16 1999, who warned Taiwan not to participate in the
17 development of theater missile defense capabilities
18 with the United States.

19 (13) The missile firings by the People's Repub-
20 lic of China near Taiwan in August 1995 and March
21 1996 clearly demonstrate the willingness of the Peo-
22 ple's Republic of China to use forceful tactics to
23 limit the freedom of the people on Taiwan.

1 (14) As most nations in East Asia reduce mili-
2 tary spending, the People's Republic of China con-
3 tinues a major and comprehensive military buildup.

4 (15) This military buildup includes the develop-
5 ment of advanced ballistic and cruise missiles that
6 will incorporate precision guidance capability and
7 the construction of new imaging, radar, navigation,
8 and electronic intelligence satellites that will help
9 target and guide ballistic and cruise missiles. Ac-
10 cording to the Department of Defense report enti-
11 tled "The Security Situation in the Taiwan Strait",
12 submitted to Congress in February 1999, the size of
13 the missile force of the People's Republic of China
14 is expected to grow substantially and, by 2005, the
15 People's Republic of China will possess an "over-
16 whelming advantage" in offensive missiles vis-a-vis
17 Taiwan. The Department of Defense has also noted
18 that the People's Republic of China may already
19 possess the capability to damage satellite optical sen-
20 sors with lasers, is researching advanced anti-sat-
21 ellite lasers that could blind United States intel-
22 ligence satellites, and is procuring radio frequency
23 weapons that disable electronic equipment. These
24 missile and anti-satellite capabilities pose a grave
25 threat to Taiwan.

1 (16) This military buildup also includes the
2 construction or procurement from abroad of ad-
3 vanced naval systems, including Russian Kilo sub-
4 marines that are difficult to detect, Russian tech-
5 nology to assist the development of new nuclear-pow-
6 ered attack submarines, Russian Sovremenny class
7 destroyers armed with supersonic SS-N-22 Sunburn
8 anti-ship missiles, a new long-range, all-weather
9 naval attack aircraft called the JH-7, and new in-
10 digenous land-attack cruise missiles that could be
11 launched from submarines, ships, and naval attack
12 aircraft. These naval capabilities pose a grave threat
13 of blockade to Taiwan.

14 (17) This military buildup also includes the im-
15 provement of air combat capabilities by procuring
16 and co-producing hundreds of Russian Sukhoi Su-
17 27 fighters, seeking to purchase Russian Su-30 all-
18 weather attack aircraft, arming these aircraft with
19 advanced air-to-air missiles such as the Russian R-
20 77 missile and other precision guided munitions,
21 constructing the indigenously designed J-10 fighter,
22 and seeking advanced airborne warning and control
23 systems from abroad. These capabilities pose a grave
24 airborne threat to Taiwan.

1 (18) Because of the introduction of advanced
2 submarines into the Taiwan Strait area by the Peo-
3 ple’s Republic of China and the increasing capability
4 of the People’s Republic of China to blockade Tai-
5 wan, Taiwan needs to acquire diesel-powered sub-
6 marines in order to maintain a capability to counter
7 a blockade, to conduct antisubmarine warfare train-
8 ing, and for other purposes.

9 (19) Because of the democratic form of govern-
10 ment on Taiwan and the historically nonaggressive
11 foreign policy of Taiwan, it is highly unlikely that
12 Taiwan would use submarines in an offensive man-
13 ner.

14 (20) The current defense relationship between
15 the United States and Taiwan is deficient in terms
16 of its capacity over the long term to counter and
17 deter potential aggression against Taiwan by the
18 People’s Republic of China.

19 **SEC. 3. SENSE OF CONGRESS.**

20 It is the sense of Congress that—

21 (1) the Secretary of Defense and the Secre-
22 taries of the military departments should make every
23 effort to reserve additional positions for Taiwan offi-
24 cers at the National Defense University, the senior
25 war colleges, and the military academies; and

1 (2) the Secretary of State should, when consid-
2 ering foreign military sales to Taiwan—

3 (A) take into account the special status of
4 Taiwan; and

5 (B) make every effort to ensure that Tai-
6 wan has full and timely access to price and
7 availability data for defense articles and defense
8 services.

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

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

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

21 (1) detailing each of Taiwan’s requests for pur-
22 chase of defense articles and defense services during
23 the one-year period ending on the date of the report;

24 (2) describing the defense needs asserted by
25 Taiwan as justification for those requests; and

1 (3) describing any decision to reject, postpone,
2 or modify any such request that was made during
3 the one-year period ending on the date of the report,
4 the level at which the final decision was made, and
5 a justification for the decision.

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

7 (a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE
8 CAPABILITIES OF TAIWAN.—Congress finds that any de-
9 termination of the nature or quantity of defense articles
10 or defense services to be made available to Taiwan that
11 is made on any basis other than the defense needs of Tai-
12 wan, whether pursuant to the August 17, 1982, Commu-
13 nique signed with the People’s Republic of China, or any
14 similar executive agreement, order, or policy would violate
15 the intent of Congress in the enactment of section 3(b)
16 of the Taiwan Relations Act (22 U.S.C. 3302(b)).

17 (b) PLAN.—

18 (1) IN GENERAL.—The Secretary of Defense, in
19 consultation with the Secretary of State, shall de-
20 velop a plan for the enhancement of programs and
21 arrangements for operational training and exchanges
22 of personnel between the armed forces of the United
23 States and Taiwan for work in threat analysis, doc-
24 trine, force planning, operational methods, and other
25 areas. The plan shall provide for exchanges of offi-

1 cers up to and including general and flag officers in
2 the grade of O-10.

3 (2) REPORT.—Not later than 180 days after
4 the date of enactment of this Act, the Secretary of
5 Defense shall submit a report to Congress, in classi-
6 fied or unclassified form, containing the plan re-
7 quired under paragraph (1).

8 (3) IMPLEMENTATION.—Not later than 30 days
9 after the date on which the report described in para-
10 graph (2) is submitted or required to be submitted,
11 the Secretary of Defense shall implement the plan
12 contained in the report.

13 (c) COMMUNICATIONS BETWEEN UNITED STATES
14 AND TAIWAN MILITARY COMMANDS.—Not later than 180
15 days after the date of enactment of this Act, the Secretary
16 of Defense shall establish secure direct communications
17 between the United States Pacific military command and
18 the Taiwan military command.

19 (d) MISSILE DEFENSE EQUIPMENT.—Subject to sub-
20 section (h), the President is authorized to make available
21 for sale to Taiwan, at reasonable cost, theater missile de-
22 fense equipment and related items, including—

23 (1) ground-based and naval-based missile de-
24 fense systems; and

1 (2) reconnaissance and communications sys-
2 tems, as may be necessary to target and cue missile
3 defense systems sold to Taiwan.

4 (e) SATELLITE EARLY WARNING DATA.—Subject to
5 subsection (h), the President is authorized to make avail-
6 able for sale to Taiwan, at reasonable cost, satellite early
7 warning data.

8 (f) AIR DEFENSE EQUIPMENT.—Subject to sub-
9 section (h), the President is authorized to make available
10 for sale to Taiwan, at reasonable cost, modern air-defense
11 equipment, including the following:

12 (1) AIM-120 AMRAAM air-to-air missiles.

13 (2) Additional advanced fighters and airborne
14 warning and control systems (AWACS).

15 (3) Equipment to better defend airfields from
16 air and missile attack.

17 (4) Communications infrastructure that enables
18 coordinated joint-force air defense of Taiwan.

19 (g) NAVAL DEFENSE SYSTEMS.—Subject to sub-
20 section (h), the President is authorized to make available
21 for sale to Taiwan, at reasonable cost, defensive systems
22 that counter the development by the People's Republic of
23 China of new naval capabilities, including defense systems
24 such as—

25 (1) diesel-powered submarines;

1 (2) anti-submarine systems, including airborne
2 systems, capable of detecting new Kilo and advanced
3 Chinese nuclear submarines;

4 (3) naval anti-missile systems, including Aegis
5 destroyers, capable of defeating Russian supersonic
6 anti-ship missiles; and

7 (4) communications systems that better enable
8 Taiwan to conduct joint-force naval defense oper-
9 ations.

10 (h) RELATION TO ARMS EXPORT CONTROL ACT.—

11 Nothing in this section supersedes or modifies the applica-
12 tion of section 36 of the Arms Export Control Act to the
13 sale of any defense article or defense service under this
14 section.

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