

“(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall provide to the appropriate congressional committees a briefing on the implementation of this section.

“(2) CONTENTS.—The briefing under paragraph (1) shall include the following:

“(A) A description of the feasibility and advisability of cooperating with the Ministry of Defense of Taiwan on the defensive military cybersecurity activities identified pursuant to subsection (b).

“(B) An identification of any challenges and resources that would be needed to address to conduct such cooperative activities.

“(C) An overview of efforts undertaken pursuant to this section.

“(D) Any other matters the Secretary determines relevant.

“(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

“(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.”

SENSE OF CONGRESS ON TAIWAN DEFENSE RELATIONS

Pub. L. 118–31, div. A, title XIII, §1307, Dec. 22, 2023, 137 Stat. 493, provided that: “It is the sense of Congress that—

“(1) the United States’ one China policy, as guided by the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. [3301] et seq.), the Three Communiques between the United States and the People’s Republic of China, and the Six Assurances provided by the United States to Taiwan in July 1982, is the foundation for United States-Taiwan relations;

“(2) as set forth in the Taiwan Relations Act, the United States decision to establish diplomatic relations with the People’s Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means, and that any effort to determine the future of Taiwan by other than peaceful means, including boycotts and embargoes, is of grave concern to the United States;

“(3) the increasingly coercive and aggressive behavior of the People’s Republic of China toward Taiwan is contrary to the expectation of the peaceful resolution of the future of Taiwan;

“(4) as set forth in the Taiwan Relations Act, the capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan should be maintained;

“(5) the United States should continue to support the development of capable, ready, and modern defense forces necessary for Taiwan to maintain sufficient defensive capabilities, including by—

“(A) supporting acquisition by Taiwan of defense articles and services through foreign military sales, direct commercial sales, and industrial cooperation, with an emphasis on capabilities that support an asymmetric strategy;

“(B) ensuring timely review of and response to requests of Taiwan for defense articles and services;

“(C) conducting practical training and military exercises with Taiwan that enable Taiwan to maintain sufficient defensive capabilities, as described in the Taiwan Relations Act;

“(D) exchanges between defense officials and officers of the United States and Taiwan at the strategic, policy, and functional levels, consistent with the Taiwan Travel Act (Public Law 115–135; 132 Stat. 341), especially for the purposes of—

“(i) enhancing cooperation on defense planning;

“(ii) improving the interoperability of the military forces of the United States and Taiwan; and

“(iii) improving the reserve force of Taiwan;

“(E) cooperating with Taiwan to improve its ability to employ military capabilities in asymmetric ways, as described in the Taiwan Relations Act; and

“(F) expanding cooperation in humanitarian assistance and disaster relief; and

“(6) the United States should increase its support to a free and open society in the face of aggressive efforts by the Government of the People’s Republic of China to curtail or influence the free exercise of rights and democratic franchise.”

Pub. L. 117–263, div. E, title LV, §5512, Dec. 23, 2022, 136 Stat. 3308, provided that: “It is the sense of Congress that—

“(1) the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. [3301] et seq.) and the Six Assurances provided by the United States to Taiwan in July 1982 are the foundation for United States-Taiwan relations;

“(2) as set forth in the Taiwan Relations Act, the United States decision to establish diplomatic relations with the People’s Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means, and that any effort to determine the future of Taiwan by other than peaceful means, including boycotts and embargoes, is of grave concern to the United States;

“(3) the increasingly coercive and aggressive behavior of the People’s Republic of China toward Taiwan is contrary to the expectation of the peaceful resolution of the future of Taiwan;

“(4) as set forth in the Taiwan Relations Act, the capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan should be maintained;

“(5) the United States should continue to support the development of capable, ready, and modern defense forces necessary for Taiwan to maintain sufficient defensive capabilities, including by—

“(A) supporting acquisition by Taiwan of defense articles and services through foreign military sales, direct commercial sales, and industrial cooperation, with an emphasis on capabilities that support an asymmetric strategy;

“(B) ensuring timely review of and response to requests of Taiwan for defense articles and services;

“(C) conducting practical training and military exercises with Taiwan that enable Taiwan to maintain sufficient defensive capabilities, as described in the Taiwan Relations Act;

“(D) exchanges between defense officials and officers of the United States and Taiwan at the strategic, policy, and functional levels, consistent with the Taiwan Travel Act (Public Law 115–135; 132 Stat. 341), especially for the purposes of—

“(i) enhancing cooperation on defense planning;

“(ii) improving the interoperability of the military forces of the United States and Taiwan; and

“(iii) improving the reserve force of Taiwan;

“(E) cooperating with Taiwan to improve its ability to employ military capabilities in asymmetric ways, as described in the Taiwan Relations Act; and

“(F) expanding cooperation in humanitarian assistance and disaster relief; and

“(6) the United States should increase its support to a free and open society in the face of aggressive efforts by the Government of the People’s Republic of China to curtail or influence the free exercise of rights and democratic franchise.”

§ 3352. Establishment

Subject to section 2321h of this title, the President may establish a regional contingency stockpile for Taiwan that consists of munitions and other appropriate defense articles.

(Pub. L. 117–263, div. E, title LV, §5503(b), Dec. 23, 2022, 136 Stat. 3298.)

§ 3353. International military education and training cooperation with Taiwan

(a) In general

The Secretary of State and the Secretary of Defense shall establish or expand a comprehensive training program with Taiwan designed to—

(1) enhance interoperability and capabilities for joint operations between the United States and Taiwan;

(2) enhance rapport and deepen partnership between the militaries of the United States and Taiwan, and foster understanding of the United States among individuals in Taiwan;

(3) improve Taiwan's defense capabilities; and

(4) train future leaders of Taiwan, promote professional military education, civilian control of the military, and protection of human rights.

(b) Elements

The training program required by subsection (a) should prioritize relevant and realistic training, including as necessary joint United States-Taiwan contingency tabletop exercises, war games, full-scale military exercises, and an enduring rotational United States military presence that assists Taiwan in maintaining force readiness and utilizing United States defense articles and services transferred from the United States to Taiwan.

(c) Authorization of participation of Taiwan in the International Military Education and Training program

The Secretary of State is authorized to provide training and education to relevant entities in Taiwan through the International Military Education and Training program authorized under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).¹

(Pub. L. 117–263, div. E, title LV, § 5504, Dec. 23, 2022, 136 Stat. 3298.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsection (c), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Chapter 5 of part II of the Act is classified generally to part V (§2347 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

§ 3354. Use of Special Defense Acquisition Fund

The Secretary of Defense, in consultation with the Secretary of State, shall seek to utilize the Special Defense Acquisition Fund established under chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.) to expedite the procurement and delivery of defense articles and defense services for the purpose of assisting and supporting the armed forces of Taiwan.

(Pub. L. 117–263, div. E, title LV, § 5505(c), Dec. 23, 2022, 136 Stat. 3299.)

¹ So in original. Probably should be “seq.”

Editorial Notes

REFERENCES IN TEXT

The Arms Export Control Act, referred to in text, is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320. Chapter 5 of the Act is classified generally to subchapter V (§2795 et seq.) of chapter 39 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

§ 3355. Multi-year plan to fulfill defensive requirements of military forces of Taiwan

(a) Multi-year plan

Not later than 180 days after December 23, 2022, the Secretary of Defense and the Secretary of State, in consultation with the Director of National Intelligence, shall engage for the purposes of establishing a joint consultative mechanism with appropriate officials of Taiwan to develop and implement a multi-year plan to provide for the acquisition of appropriate defensive capabilities by Taiwan and to engage with Taiwan in a series of combined training, exercises, and planning activities consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.).

(b) Elements

The plan required by subsection (a) shall include the following:

(1) An identification of the defensive military capability gaps and capacity shortfalls of Taiwan that are required to—

(A) allow Taiwan to respond effectively to aggression by the People's Liberation Army or other actors from the People's Republic of China; and

(B) advance a strategy of denial, reduce the threat of conflict, thwart an invasion, and mitigate other risks to the United States and Taiwan.

(2) An assessment of the relative priority assigned by appropriate departments and agencies of Taiwan to include its military to address such capability gaps and capacity shortfalls.

(3) An explanation of the annual resources committed by Taiwan to address such capability gaps and capacity shortfalls.

(4) A description and justification of the relative importance of overcoming each identified capability gap and capacity shortfall for deterring, delaying, or defeating military aggression by the People's Republic of China;¹

(5) An assessment of—

(A) the capability gaps and capacity shortfalls that could be addressed in a sufficient and timely manner by Taiwan; and

(B) the capability gaps and capacity shortfalls that are unlikely to be addressed in a sufficient and timely manner solely by Taiwan.

(6) An assessment of the capability gaps and capacity shortfalls described in paragraph (5)(B) that could be addressed in a sufficient and timely manner by—

(A) the Foreign Military Financing, Foreign Military Sales, and Direct Commercial Sales programs of the Department of State;

¹ So in original. The semicolon probably should be a period.