

**§ 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.).<sup>1</sup>

(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.)

<sup>1</sup> 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;<sup>1</sup>

(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;

<sup>1</sup> So in original. The semicolon probably should be a period.

(B) Department of Defense security assistance authorized by chapter 16 of title 10;

(C) Department of State training and education programs authorized by chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318);

(E) the provision of excess defense articles pursuant to the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.); or

(F) any other authority available to the Secretary of Defense or the Secretary of State.

(7) A description of United States or Taiwan engagement with other countries that could assist in addressing in a sufficient and timely manner the capability gaps and capacity shortfalls identified pursuant to paragraph (1).

(8) An identification of opportunities to build interoperability, combined readiness, joint planning capability, and shared situational awareness between the United States, Taiwan, and other foreign partners and allies, as appropriate, through combined training, exercises, and planning events, including—

(A) table-top exercises and wargames that allow operational commands to improve joint and combined planning for contingencies involving a well-equipped adversary in a counter-intervention campaign;

(B) joint and combined exercises that test the feasibility of counter-intervention strategies, develop interoperability across services, and develop the lethality and survivability of combined forces against a well-equipped adversary;

(C) logistics exercises that test the feasibility of expeditionary logistics in an extended campaign with a well-equipped adversary;

(D) service-to-service exercise programs that build functional mission skills for addressing challenges posed by a well-equipped adversary in a counter-intervention campaign; and

(E) any other combined training, exercises, or planning with Taiwan's military forces that the Secretary of Defense and Secretary of State consider relevant.

(9) An identification of options for the United States to use, to the maximum extent practicable, existing authorities or programs to expedite military assistance to Taiwan in the event of a crisis or conflict, including—

(A) a list of defense articles of the United States that may be transferred to Taiwan during a crisis or conflict;

(B) a list of authorities that may be used to provide expedited military assistance to Taiwan during a crisis or conflict;

(C) an assessment of methods that could be used to deliver such assistance to Taiwan during a crisis or conflict, including—

(i) the feasibility of employing such methods in different scenarios; and

(ii) recommendations for improving the ability of the Armed Forces to deliver such assistance to Taiwan; and

(D) an assessment of any challenges in providing such assistance to Taiwan in the

event of a crisis or conflict and recommendations for addressing such challenges.

**(c) Recurrence**

The joint consultative mechanism required in subsection (a) shall convene on a recurring basis and not less than annually.

(Pub. L. 117–263, div. E, title LV, § 5506, Dec. 23, 2022, 136 Stat. 3299.)

**Editorial Notes**

REFERENCES IN TEXT

The Taiwan Relations Act, referred to in subsec. (a), is Pub. L. 96–8, Apr. 10, 1979, 93 Stat. 14, which is classified generally to chapter 48 (§3301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3301 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (b)(6)(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.

The Arms Export Control Act, referred to in subsec. (b)(6)(E), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§2751 et seq.) 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.

**§ 3356. Fast-tracking sales to Taiwan under foreign military sales program**

**(a) Preclearance of certain foreign military sales items**

**(1) In general**

Not later than 1 year after December 23, 2022, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, and in conjunction with coordinating entities such as the National Disclosure Policy Committee, the Arms Transfer and Technology Release Senior Steering Group, and other appropriate entities, shall compile a list of available and emerging military platforms, technologies, and equipment that are precleared and prioritized for sale and release to Taiwan through the Foreign Military Sales program.

**(2) Rules of construction**

**(A) Selection of items**

The list compiled pursuant to paragraph (1) shall not be construed as limiting the type, timing, or quantity of items that may be requested by, or sold to, Taiwan under the Foreign Military Sales program.

**(B) Notifications required**

Nothing in this chapter may be construed to supersede congressional notification requirements under the Arms Export Control Act (22 U.S.C. 2751 et. seq.).

**(b) Prioritized processing of foreign military sales requests from Taiwan**

**(1) Requirement**

The Secretary of State and the Secretary of Defense shall prioritize and expedite the proc-