

(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-

essing of requests from Taiwan under the Foreign Military Sales program, and may not delay the processing of requests for bundling purposes.

(2) Duration

The requirement under paragraph (1) shall continue until the Secretary of State determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the threat to Taiwan has significantly abated.

(c) Interagency policy

The Secretary of State and the Secretary of Defense shall jointly review and update interagency policies and implementation guidance related to Foreign Military Sales requests from Taiwan, including incorporating the preclearance provisions of this section.

(Pub. L. 117–263, div. E, title LV, §5507, Dec. 23, 2022, 136 Stat. 3301.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(2)(B), was in the original “this Act”, meaning Pub. L. 117–263, div. E, title LV, subtitle A (§§5501–5540), Dec. 23, 2022, 136 Stat. 3292, known as the Taiwan Enhanced Resilience Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3351 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (a)(2)(B), 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.

§ 3357. Findings and statement of policy

(a) Findings

Congress finds the following:

(1) Advancing peace and stability in the Indo-Pacific has been a central element of United States foreign policy toward the region.

(2) The Government of the People’s Republic of China (PRC), especially since the election of Tsai Ing-Wen in 2016, has conducted a coordinated campaign to weaken Taiwan diplomatically, economically, and militarily in a manner that threatens to erode United States policy and create a *fait accompli* on questions surrounding Taiwan’s future.

(3) To secure United States interests and preserve the ability of the people of Taiwan to determine their own future, it is necessary to reinforce Taiwan’s diplomatic, economic, and territorial space.

(b) Statement of policy

It is the policy of the United States to—

(1) maintain the position that peace and stability in the Western Pacific are in the political, security, and economic interests of the United States, and are matters of international concern; and

(2) work with allies and partners to promote peace and stability in the Indo-Pacific and

deter military acts or other forms of coercive behavior that would undermine regional stability.

(Pub. L. 117–263, div. E, title LV, §5511, Dec. 23, 2022, 136 Stat. 3308.)

§ 3357a. Statement of policy on Taiwan

(a) Statement of policy

Consistent with the Taiwan Relations Act (22 U.S.C. 3301 et seq.), it shall be the policy of the United States to maintain the capacity of the United States to resist a *fait accompli* that would jeopardize the security of the people on Taiwan.

(b) *Fait accompli* defined

In this section, the term “*fait accompli*” refers to the resort to force by the People’s Republic of China to invade and seize control of Taiwan before the United States can respond effectively.

(Pub. L. 117–263, div. A, title XII, §1263, Dec. 23, 2022, 136 Stat. 2858.)

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.

CODIFICATION

Section was enacted as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Pub. L. 117–263), but not as part of the Taiwan Enhanced Resilience Act (Pub. L. 117–263, div. E, title LV, subtitle A) which comprises this chapter.

§ 3357b. Establishment of training, advising, and institutional capacity-building program for military forces of Taiwan

Consistent with the Taiwan Relations Act (22 U.S.C. 3301 et seq.) and pursuant to section 3353 of this title, the Secretary of Defense, in consultation with appropriate officials of Taiwan, shall establish a comprehensive training, advising, and institutional capacity-building program for the military forces of Taiwan using the authorities provided in chapter 16 of title 10 and other applicable statutory authorities available to the Secretary of Defense.

(Pub. L. 118–31, div. A, title XIII, §1309(a), Dec. 22, 2023, 137 Stat. 494.)

Editorial Notes

REFERENCES IN TEXT

The Taiwan Relations Act, referred to in text, 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.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2024, and not as part

¹ So in original. The period probably should not appear.