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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SECTION 2. FINDINGS.

Congress makes the following findings:

(1) Since 1949, the close relationship between
the United States and Taiwan has been of enormous
benefit to both societies.
(2) In recent years, Taiwan has undergone a major political transformation, and Taiwan is today a true multiparty democracy with a political system separate from and totally unlike that of the People’s Republic of China.

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

(4) Although on January 1, 1979, the United States Government withdrew diplomatic recognition of the government on Taiwan as the legitimate government of China, neither at that time nor since has the United States Government adopted a formal position as to the ultimate status of Taiwan other than to state that status must be decided by peaceful means. Any determination of the ultimate status of Taiwan must have the express consent of the people on Taiwan.

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

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

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

(B) the decision of the United States to es-
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;

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

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

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

(7) On the basis of these provisions, the Taiwan
Relations Act establishes on the part of the United
States a continuing connection with and concern for
Taiwan, its people, and their ability to maintain
themselves free of coercion and free of the use of
force against them. The maintenance by Taiwan of
forces adequate for defense and deterrence is in the
interest of the United States in that it helps to
maintain peace in the Taiwan Strait area.

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

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

(10) Since 1979, the United States has contin-
ued to sell defensive weapons to Taiwan in accord-
ance with the Taiwan Relations Act, and such sales
have helped Taiwan maintain its autonomy and free-
dom in the face of persistent hostility from the Peo-
ples Republic of China. However, pressures to delay,
deny, and reduce arms sales to Taiwan have been
prevalent since the signing of the August 17, 1982, communique with the People’s Republic of China. Over time, such delays, denials, and reductions could prevent Taiwan from maintaining a sufficient capability for self-defense.

(11) As has been affirmed on several occasions by the executive branch of Government, the provisions of the Taiwan Relations Act take legal precedence over any communique with the People’s Republic of China.

(12) The People’s Republic of China has consistently refused to renounce the use of force against Taiwan and has repeatedly threatened force against Taiwan, including implied threats by unnamed People’s Republic of China officials on January 10, 1999, who warned Taiwan not to participate in the development of theater missile defense capabilities with the United States.

(13) The missile firings by the People’s Republic of China near Taiwan in August 1995 and March 1996 clearly demonstrate the willingness of the People’s Republic of China to use forceful tactics to limit the freedom of the people on Taiwan.
(14) As most nations in East Asia reduce military spending, the People’s Republic of China continues a major and comprehensive military buildup.

(15) This military buildup includes the development of advanced ballistic and cruise missiles that will incorporate precision guidance capability and the construction of new imaging, radar, navigation, and electronic intelligence satellites that will help target and guide ballistic and cruise missiles. According to the Department of Defense report entitled “The Security Situation in the Taiwan Strait”, submitted to Congress in February 1999, the size of the missile force of the People’s Republic of China is expected to grow substantially and, by 2005, the People’s Republic of China will possess an “overwhelming advantage” in offensive missiles vis-a-vis Taiwan. The Department of Defense has also noted that the People’s Republic of China may already possess the capability to damage satellite optical sensors with lasers, is researching advanced anti-satellite lasers that could blind United States intelligence satellites, and is procuring radio frequency weapons that disable electronic equipment. These missile and anti-satellite capabilities pose a grave threat to Taiwan.
(16) This military buildup also includes the construction or procurement from abroad of advanced naval systems, including Russian Kilo submarines that are difficult to detect, Russian technology to assist the development of new nuclear-powered attack submarines, Russian Sovremenny class destroyers armed with supersonic SS–N–22 Sunburn anti-ship missiles, a new long-range, all-weather naval attack aircraft called the JH–7, and new indigenous land-attack cruise missiles that could be launched from submarines, ships, and naval attack aircraft. These naval capabilities pose a grave threat of blockade to Taiwan.

(17) This military buildup also includes the improvement of air combat capabilities by procuring and co-producing hundreds of Russian Sukhoi Su–27 fighters, seeking to purchase Russian Su–30 all-weather attack aircraft, arming these aircraft with advanced air-to-air missiles such as the Russian R–77 missile and other precision guided munitions, constructing the indigenously designed J–10 fighter, and seeking advanced airborne warning and control systems from abroad. These capabilities pose a grave airborne threat to Taiwan.
(18) Because of the introduction of advanced submarines into the Taiwan Strait area by the People’s Republic of China and the increasing capability of the People’s Republic of China to blockade Taiwan, Taiwan needs to acquire diesel-powered submarines in order to maintain a capability to counter a blockade, to conduct antisubmarine warfare training, and for other purposes.

(19) Because of the democratic form of government on Taiwan and the historically nonaggressive foreign policy of Taiwan, it is highly unlikely that Taiwan would use submarines in an offensive manner.

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

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Secretary of Defense and the Secretaries of the military departments should make every effort to reserve additional positions for Taiwan officers at the National Defense University, the senior war colleges, and the military academies; and
(2) the Secretary of State should, when considering foreign military sales to Taiwan—

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

(B) make every effort to ensure that Taiwan has full and timely access to price and availability data for defense articles and defense services.

SEC. 4. DETERMINATIONS OF DEFENSE NEEDS OF TAIWAN.

(a) INCREASE IN TECHNICAL STAFF OF THE AMERICAN INSTITUTE IN TAIWAN.—Upon the request of the Defense Security Cooperation Agency, the President shall use funds available to the Department of Defense under the Arms Export Control Act for the assignment or detail of additional technical staff to the American Institute in Taiwan.

(b) ANNUAL REPORTS.—Beginning 60 days after the next round of arms talks between the United States and Taiwan, and annually thereafter, the President shall submit a report to Congress—

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

(2) describing the defense needs asserted by Taiwan as justification for those requests; and
(3) describing any decision to reject, postpone, or modify any such request that was made during the one-year period ending on the date of the report, the level at which the final decision was made, and a justification for the decision.

SEC. 5. STRENGTHENING THE DEFENSE OF TAIWAN.

(a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE CAPABILITIES OF TAIWAN.—Congress finds that any determination of the nature or quantity of defense articles or defense services to be made available to Taiwan that is made on any basis other than the defense needs of Taiwan, whether pursuant to the August 17, 1982, Communique signed with the People’s Republic of China, or any similar executive agreement, order, or policy would violate the intent of Congress in the enactment of section 3(b) of the Taiwan Relations Act (22 U.S.C. 3302(b)).

(b) PLAN.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall develop a plan for the enhancement of programs and arrangements for operational training and exchanges of personnel between the armed forces of the United States and Taiwan for work in threat analysis, doctrine, force planning, operational methods, and other areas. The plan shall provide for exchanges of offi-
cers up to and including general and flag officers in the grade of O–10.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress, in classified or unclassified form, containing the plan required under paragraph (1).

(3) IMPLEMENTATION.—Not later than 30 days after the date on which the report described in paragraph (2) is submitted or required to be submitted, the Secretary of Defense shall implement the plan contained in the report.

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

(d) MISSILE DEFENSE EQUIPMENT.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, theater missile defense equipment and related items, including—

(1) ground-based and naval-based missile defense systems; and
(2) reconnaissance and communications systems, as may be necessary to target and cue missile defense systems sold to Taiwan.

(e) SATELLITE EARLY WARNING DATA.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, satellite early warning data.

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

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

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

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

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

(g) NAVAL DEFENSE SYSTEMS.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, defensive systems that counter the development by the People’s Republic of China of new naval capabilities, including defense systems such as—

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

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

(4) communications systems that better enable Taiwan to conduct joint-force naval defense operations.

(h) Relation to Arms Export Control Act.—Nothing in this section supersedes or modifies the application of section 36 of the Arms Export Control Act to the sale of any defense article or defense service under this section.