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To advance a policy to ensure peace and security across the Taiwan Strait.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 4, 2021

Mr. RISCH (for himself, Mr. CRAPO, Mr. HAGERTY, Mr. CORNYN, Mr. RUBIO, and Mr. ROMNEY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To advance a policy to ensure peace and security across
the Taiwan Strait.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Taiwan Deterrence Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—DETERRENCE POLICY REGARDING TAIWAN

Sec. 101. Findings.
Sec. 102. Statement of policy.

TITLE II—BOLSTERING UNITED STATES AND TAIWAN DEFENSE
AND SECURITY

Sec. 201. Report on capability development by Taiwan.

Sec. 202. Authorization of appropriations for Foreign Military Financing grant assistance to Taiwan.

Sec. 203. Eligibility of Taiwan for Foreign Military Sales and export status under the Arms Export Control Act.

Sec. 204. Report on advancing the defense of Taiwan.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Relations of
7 the Senate; and

8 (B) the Committee on Foreign Affairs of
9 the House of Representatives.

10 (2) PEOPLE’S LIBERATION ARMY; PLA.—The
11 terms “People’s Liberation Army” and “PLA” mean
12 the armed forces of the People’s Republic of China.

13 (3) PRC; CHINA.—The terms “PRC” and
14 “China” mean the People’s Republic of China.

15 **TITLE I—DETERRENCE POLICY**
16 **REGARDING TAIWAN**

17 **SEC. 101. FINDINGS.**

18 Congress makes the following findings:

19 (1) Taiwan is a model democracy in the Indo-
20 Pacific, with open and fair elections, strong market-

1 led economic growth, and high levels of individual
2 freedoms.

3 (2) The United States and Taiwan share a ro-
4 bust unofficial relationship with close cooperation on
5 a wide range of issues, including global health, eco-
6 nomic issues, military and defense, development, and
7 people-to-people exchanges.

8 (3) Taiwan is a key economic partner of the
9 United States, serving as the 10th largest trading
10 partner of the United States as of October 2021 and
11 home to critical high-tech supply chains.

12 (4) The People’s Republic of China has greatly
13 increased its political, diplomatic, economic, and
14 military coercion campaigns across the Taiwan
15 Strait, especially since 2016.

16 (5) The PRC seeks to annex Taiwan through
17 whatever means may ultimately be required. The in-
18 sistence by the Chinese Communist Party that so-
19 called “reunification” is Taiwan’s only option makes
20 that goal inherently coercive. In January 2019,
21 President Xi stated that the PRC “make[s] no
22 promise to renounce the use of force and reserve[s]
23 the option of taking all necessary means”. Taiwan’s
24 embodiment of democratic values and economic lib-
25 eralism challenges President Xi’s goal of achieving

1 national rejuvenation. The PRC plans to exploit Tai-
2 wan’s dominant strategic position in the First Island
3 Chain and to project power into the Second Island
4 Chain and beyond.

5 (6) The People’s Liberation Army has exponen-
6 tially increased its military activity in the Taiwan
7 Strait. As of October 2021, the Ministry of National
8 Defense of Taiwan recorded that more than 600
9 Chinese military sorties have flown into the Air De-
10 fense Identification Zone of Taiwan in 2021 alone.
11 That is an increase of 50 percent compared to 2020.
12 That same month, the PLA made its largest ever air
13 incursion into the Air Defense Identification Zone of
14 Taiwan, sending almost 150 planes in total over a
15 number of days.

16 (7) In response, on October 3, 2021, the De-
17 partment of State said it was “very concerned by the
18 People’s Republic of China’s provocative military ac-
19 tivity near Taiwan, which is destabilizing, risks mis-
20 calculations, and undermines regional peace and sta-
21 bility” and urged Beijing to “cease its military, dip-
22 lomatic, and economic pressure and coercion against
23 Taiwan”.

24 (8) The PRC has increased the frequency and
25 scope of its exercises and operations targeting Tai-

1 wan, such as amphibious assault and live-fire exer-
2 cises in the Taiwan Strait, PLA Air Force flights
3 that encircle Taiwan, and flights across the unoffi-
4 cial median line in the Taiwan Strait. The destruc-
5 tion of Hong Kong’s autonomy by the Government
6 of the PRC potentially accelerates the timeline of a
7 Taiwan scenario and makes the defense of Taiwan
8 an even more urgent priority.

9 (9) In October 2021, the PRC adopted export
10 controls on Chinese goods to Taiwan in an attempt
11 to put more economic pressure on Taiwan. That fol-
12 lows an increase in PRC tactics to squeeze the econ-
13 omy of Taiwan, including banning certain exports
14 and adopting the “31 measures” policy to induce
15 brain drain on the island by providing government-
16 sponsored incentives for Taiwanese talent and busi-
17 nesses to move to the mainland.

18 (10) The PRC launches massive cyber cam-
19 paigns against Taiwan. The Department of Cyber
20 Security of Taiwan estimates that there are approxi-
21 mately 20,000,000 to 40,000,000 cyberattacks every
22 month, most of which are suspected to be by the
23 PRC. In July 2021, head of the Department of
24 Cyber Security of Taiwan Chien Hung-wei told
25 United States media that there was a “rather high

1 degree of confidence that many attacks originated
2 from our neighbor [the PRC]” and warned that Tai-
3 wan’s “critical infrastructure, such as gas, water,
4 and electricity are highly digitized, so [Taiwan] can
5 easily fall victim”.

6 (11) The PRC continues to isolate Taiwan dip-
7 lomatically. The PRC has refused to allow Taiwan
8 to attend annual summits of international organiza-
9 tions such as the International Civil Aviation Orga-
10 nization, the International Criminal Police Organiza-
11 tion (INTERPOL), and the World Health Organiza-
12 tion.

13 (12) The PRC also uses its economic might to
14 punish countries who seek closer ties with Taiwan.
15 Most recently, in September 2021, the PRC denied
16 Lithuania certain export licenses after Lithuania
17 and Taiwan announced their intent to establish a
18 Taiwan representative office in the city of Vilnius.

19 (13) The PRC uses economic incentives such as
20 massive investment promises to try to formalize rela-
21 tions with Taiwan’s remaining allies. Since 2016,
22 seven countries—the Republic of Kiribati, the Sol-
23 omon Islands, the Dominican Republic, Burkina
24 Faso, the Republic of El Salvador, the Republic of
25 Panama, and the Democratic Republic of Sao Tome

1 and Principe—have shifted diplomatic recognition
2 from Taipei to Beijing.

3 (14) The PRC aims to use its growing military
4 might in concert with other instruments of its na-
5 tional power to displace the United States in the
6 Indo-Pacific and establish hegemony over the region.
7 Achieving the annexation of Taiwan is a key step for
8 the PRC to achieve those ambitions.

9 (15) The defense of Taiwan is critical to—

10 (A) retaining the credibility of the United
11 States as a defender of the democratic values
12 and free-market principles embodied by the peo-
13 ple and government of Taiwan;

14 (B) limiting the ability of the PLA to
15 project power beyond the First Island Chain,
16 including to United States territory, such as
17 Guam and Hawaii;

18 (C) defending the territorial integrity of
19 Japan; and

20 (D) preventing the PLA from diverting
21 military planning, resources, and personnel to
22 broader military ambitions.

1 **SEC. 102. STATEMENT OF POLICY.**

2 (a) OBJECTIVES.—It is the policy of the United
3 States, in ensuring security in the Taiwan Strait, to pur-
4 sue the following objectives:

5 (1) The balance of power in the Indo-Pacific re-
6 mains favorable to the United States and its allies
7 and partners. The United States and its allies and
8 partners maintain unfettered access to the region
9 and the PRC neither dominates the region nor co-
10 erces its neighbors, including Taiwan.

11 (2) The allies and partners of the United
12 States, including Taiwan—

13 (A) maintain confidence in United States
14 leadership and its commitment to the Indo-Pa-
15 cific region;

16 (B) can withstand and combat subversion
17 and undue influence by the PRC; and

18 (C) work with the United States to pro-
19 mote shared interests and values in the region.

20 (3) The combined influence of the United
21 States and its allies and partners is strong enough
22 to demonstrate to the PRC that the risks of at-
23 tempts to annex Taiwan by coercion or force out-
24 weigh the potential benefits.

25 (4) The United States deters the PRC from
26 seeking military or other aggressive unilateral action

1 to change the status quo on Taiwan or in the Tai-
2 wan Strait.

3 (b) POLICY.—It is the policy of the United States,
4 in pursuit of the objectives set forth in subsection (a)—

5 (1) to prioritize the Indo-Pacific region as the
6 most important political-military theater for United
7 States foreign policy;

8 (2) to prioritize resources for achieving United
9 States political and military objectives in that most
10 critical region;

11 (3) to sustain the Taiwan Relations Act (22
12 U.S.C. 3301 et seq.) and the Six Assurances pro-
13 vided by the United States to Taiwan in July 1982
14 as the foundations for United States-Taiwan rela-
15 tions;

16 (4) to deepen, to the fullest extent possible, the
17 extensive, close, and friendly relations of the United
18 States and Taiwan, including cooperation to support
19 the development of capable, ready, and modern
20 forces necessary for the defense of Taiwan;

21 (5) to encourage and facilitate Taiwan's accel-
22 erated acquisition of asymmetric defense capabilities,
23 which are crucial to defending the islands of Taiwan
24 from invasion, including long-range precision fires,
25 anti-ship missiles, coastal defense, anti-armor, air

1 defense, undersea warfare, advanced command, con-
2 trol, communications, computers, intelligence, sur-
3 veillance and reconnaissance (C4ISR), and resilient
4 command and control capabilities;

5 (6) to increase the conduct of relevant and
6 practical training and exercises with the defense
7 forces of Taiwan, including, as appropriate, the Rim
8 of the Pacific exercise, combined training at United
9 States Army combat training centers and the United
10 States Marine Corps Air Ground Combat Center,
11 United States Air Force Red Flag and Green Flag
12 exercises, and bilateral naval exercises and training;

13 (7) to use, in service of the policy described in
14 paragraphs (5) and (6), existing tools such as for-
15 eign military sales and direct commercial sales, iden-
16 tify new tools, including foreign military financing
17 for Taiwan under certain conditions, and explore
18 greater industrial cooperation and co-production or
19 co-development opportunities;

20 (8) to prioritize the timely review of and re-
21 sponse to requests from Taiwan for defense articles
22 and services within the United States acquisition
23 system, and to ensure that such prioritization is the
24 top priority of relevant Cabinet officials, including
25 the Secretary of State and the Secretary of Defense;

1 (9) to prioritize building the capacity of Taiwan
2 to protect United States defense technology;

3 (10) to design major defense capabilities for ex-
4 port;

5 (11) to encourage Taiwan's domestic production
6 of certain defense capabilities;

7 (12) to expand professional military education
8 and technical training opportunities in the United
9 States for military personnel of Taiwan;

10 (13) to pursue a strategy of military engage-
11 ment with Taiwan that fully integrates exchanges at
12 the strategic, policy, and functional levels;

13 (14) to increase exchanges between senior de-
14 fense officials and general officers of the United
15 States and Taiwan consistent with the Taiwan Trav-
16 el Act (Public Law 115–135; 132 Stat. 341), espe-
17 cially for the purpose of enhancing cooperation on
18 defense planning and improving the interoperability
19 of the military forces of the United States and Tai-
20 wan;

21 (15) to conduct exchanges with Taiwan specifi-
22 cally focused on improving the reserve force of Tai-
23 wan and to ensure the effectiveness of the All-Out
24 Defense Mobilization Agency;

1 (16) to deter acts of aggression or coercion by
2 the PRC against the interests of the United States
3 and its allies, especially regarding Taiwan, by show-
4 ing PRC leaders that the United States can and is
5 willing to deny them the ability to achieve their ob-
6 jectives, including by—

7 (A) consistently demonstrating the political
8 will of the United States to deepening existing
9 treaty alliances and growing new partnerships
10 as a durable, asymmetric, and unmatched stra-
11 tegic advantage to the growing military capa-
12 bilities and reach of the PRC;

13 (B) maintaining a system of forward-de-
14 ployed bases in the Indo-Pacific region as the
15 most visible sign of United States resolve and
16 commitment to the region and as platforms to
17 ensure United States operational readiness and
18 advance interoperability with allies and part-
19 ners;

20 (C) adopting a more dispersed force pos-
21 ture throughout the region, particularly the
22 Western Pacific, and pursuing maximum access
23 for United States mobile and relocatable
24 launchers for long-range cruise, ballistic, and

1 hypersonic weapons throughout the Indo-Pacific
2 region;

3 (D) fielding long-range, precision-strike
4 networks to United States and allied forces, in-
5 cluding ground-launched cruise missiles, under-
6 sea and naval capabilities, and integrated air
7 and missile defense in the First Island Chain
8 and the Second Island Chain, in order to im-
9 pose high risks on the PRC for operating in
10 those zones and maximize the ability of the
11 United States to operate;

12 (E) strengthening extended deterrence to
13 demonstrate that escalation against key United
14 States interests would be costly, risky, and self-
15 defeating; and

16 (F) collaborating with allies and partners
17 to accelerate their roles in more equitably shar-
18 ing the burdens of mutual defense, including
19 through the acquisition and fielding of advanced
20 capabilities and training that will better enable
21 them to repel PRC aggression or coercion;

22 (17) to strengthen and deepen United States al-
23 liances and partnerships, prioritizing the Indo-Pa-
24 cific region, by pursuing greater bilateral and multi-
25 lateral cooperative initiatives that ensure peace and

1 stability in the Taiwan Strait, advance shared inter-
2 ests, and bolster partner countries' confidence that
3 the United States is and will remain a strong, com-
4 mitted, and constant partner;

5 (18) to encourage and aid Taiwan to boost its
6 own capabilities and resiliency to avoid and deter
7 PRC military pressure in the Taiwan Strait;

8 (19) to maintain United States access to the
9 Western Pacific, including by—

10 (A) increasing the qualitative advantage of
11 United States forward-deployed forces in the
12 Indo-Pacific region;

13 (B) modernizing the United States military
14 through investments in existing and new major
15 platforms, emerging technologies, critical in-the-
16 ater force structure and enabling capabilities,
17 operational concepts, and access agreements;
18 and

19 (C) operating and conducting exercises
20 with allies and partners—

21 (i) to prevent the PLA from gaining
22 the ability to project power and establish
23 contested zones within the First Island
24 Chain and the Second Island Chain;

1 (ii) to diminish the ability of the PLA
2 to coerce its neighbors; and

3 (iii) to maintain open sea and air
4 lanes, particularly in the Taiwan Strait,
5 the East China Sea, and the South China
6 Sea;

7 (20) to deter the PRC from—

8 (A) coercing Taiwan, including by devel-
9 oping more combat-credible forces that are inte-
10 grated with Indo-Pacific allies and partners of
11 the United States in contact, blunt, and surge
12 layers and able to defeat any PRC theory of
13 victory in the First Island Chain or Second Is-
14 land Chain and beyond, as called for in the
15 2018 National Defense Strategy;

16 (B) using gray-zone tactics below the level
17 of armed conflict; or

18 (C) initiating armed conflict; and

19 (21) to convey to the PRC that, in the event
20 that deterrence by denial fails, the United States, if
21 necessary—

22 (A) will impose prohibitive diplomatic, eco-
23 nomic, financial, reputational, and military
24 costs on the PRC for its aggression; and

1 (B) will defend itself and its allies regard-
2 less of the point of origin of attacks against
3 them.

4 **TITLE II—BOLSTERING UNITED**
5 **STATES AND TAIWAN DE-**
6 **FENSE AND SECURITY**

7 **SEC. 201. REPORT ON CAPABILITY DEVELOPMENT BY TAI-**
8 **WAN.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 (1) the Secretary of State should expand and
12 strengthen existing measures under the United
13 States Conventional Arms Transfer Policy to provide
14 capabilities to Taiwan, prioritizing Taiwan in ac-
15 cordance with United States strategic imperatives;

16 (2) the United States should design for export
17 to Taiwan capabilities critical to maintaining a fa-
18 vorable military balance in the region, including
19 long-range precision fires, air and missile defense
20 systems, anti-ship cruise missiles, land attack cruise
21 missiles, conventional hypersonic systems, intel-
22 ligence, surveillance, and reconnaissance capabilities,
23 and command and control systems;

24 (3) the United States should pursue, to the
25 maximum extent possible, anticipatory technology

1 security and foreign disclosure policy on the systems
2 described in paragraph (2); and

3 (4) the Secretary of State should—

4 (A) urge Taiwan to invest in sufficient
5 quantities of munitions to meet contingency re-
6 quirements and avoid the need for accessing
7 United States stocks in wartime; and

8 (B) cooperate with Taiwan to deliver such
9 munitions, or when necessary, to increase the
10 capacity of Taiwan to produce such munitions.

11 (b) REPORT.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of the enactment of this Act, the Secretary
14 of State, in coordination with the Secretary of De-
15 fense, shall submit to the appropriate congressional
16 committees a report that—

17 (A) describes United States priorities for
18 building more capable Taiwan security forces
19 and organizations; and

20 (B) identifies statutory, regulatory, or
21 other obstacles to advancing such priorities.

22 (2) MATTERS TO BE INCLUDED.—The report
23 required by paragraph (1) shall—

24 (A) provide a priority list of defense and
25 military capabilities that Taiwan must possess

1 for the United States to be able to achieve its
2 military objectives in the Indo-Pacific region;

3 (B) identify, from the list referred to in
4 subparagraph (A), the capabilities that are best
5 provided, or can only be provided, by the
6 United States;

7 (C) identify—

8 (i) actions required to prioritize
9 United States Government resources and
10 personnel to expedite fielding the capabili-
11 ties identified under subparagraph (B);
12 and

13 (ii) steps needed to fully account for
14 and a plan to integrate all means of
15 United States foreign military sales, direct
16 commercial sales, security assistance, and
17 all applicable authorities of the Depart-
18 ment of State and the Department of De-
19 fense;

20 (D) assess the major obstacles to fulfilling
21 requirements for United States security assist-
22 ance for Taiwan, including resources and per-
23 sonnel limits, legislative and policy barriers, and
24 factors related to specific partner countries;

1 (E) identify limitations on the ability of
2 the United States to provide the capabilities de-
3 scribed in paragraph (A), including the capabili-
4 ties identified under subparagraph (B), because
5 of existing United States treaty obligations or
6 United States statutes, regulations, or other
7 policies;

8 (F) recommend changes to existing stat-
9 utes, regulations, or other policies that would
10 reduce or eliminate limitations on providing
11 critical capabilities to Taiwan;

12 (G) identify requirements to streamline the
13 International Traffic in Arms Regulations
14 under subchapter M of chapter I of title 22,
15 Code of Federal Regulations, that would enable
16 more effective delivery of capabilities to Taiwan;

17 (H) recommend improvements to the proc-
18 ess for developing requirements for Taiwan's
19 capabilities; and

20 (I) recommend other statutory, regulatory,
21 or policy changes that would improve delivery
22 timelines.

23 (3) FORM.—The report required by paragraph
24 (1) shall be submitted in unclassified form, but may
25 include a classified annex.

1 36(c)(2)(A), 36(d)(2)(A), 62(c)(1), and 63(a)(2), by
2 inserting “Taiwan,” before “or New Zealand” each
3 place it appears;

4 (2) in section 3(b)(2), by inserting “the Govern-
5 ment of Taiwan,” before “or the Government of
6 New Zealand”; and

7 (3) in sections 21(h)(1)(A) and 21(h)(2), by in-
8 serting “Taiwan,” before “or Israel” each place it
9 appears.

10 **SEC. 204. REPORT ON ADVANCING THE DEFENSE OF TAI-**
11 **WAN.**

12 (a) **IN GENERAL.**—Not later than 180 days after the
13 date of the enactment of this Act, and annually thereafter
14 for a period of seven years, the Secretary of State and
15 the Secretary of Defense shall jointly submit to the appro-
16 priate congressional committees a report on Taiwan’s en-
17 hancement of its self-defense capabilities.

18 (b) **MATTERS TO BE INCLUDED.**—Each report re-
19 quired by subsection (a) shall include the following:

20 (1) An assessment of the commitment of Tai-
21 wan to implementing the tenets of the Overall De-
22 fense Concept, and what steps Taiwan has and has
23 not taken to implement those tenets.

1 (2) An assessment of the efforts of Taiwan to
2 acquire and employ within its forces asymmetric ca-
3 pabilities, including—

4 (A) long-range precision fires;

5 (B) air and missile defense systems;

6 (C) anti-ship cruise missiles;

7 (D) land attack cruise missiles;

8 (E) conventional hypersonic systems;

9 (F) mining and countermining capabilities;

10 (G) intelligence, surveillance, and recon-
11 naissance capabilities;

12 (H) command and control systems; and

13 (I) any other defense capabilities the Sec-
14 retary of State and the Secretary of Defense
15 jointly determine are crucial to the defense of
16 Taiwan.

17 (3) An evaluation of the balance between con-
18 ventional and asymmetric capabilities in the defense
19 force of Taiwan as of the date on which the report
20 is submitted.

21 (4) An assessment of steps by Taiwan to en-
22 hance the overall readiness of its defense forces, in-
23 cluding—

1 (A) the extent to which Taiwan is requir-
2 ing and providing regular training to such
3 forces;

4 (B) the extent to which such training is re-
5 alistic to the security environment Taiwan
6 faces; and

7 (C) the sufficiency of the financial and
8 budgetary resources Taiwan is putting toward
9 readiness of such forces.

10 (5) An assessment of steps by Taiwan to ensure
11 that the Taiwan Reserve Command can recruit,
12 train, and equip its forces.

13 (6) An evaluation of—

14 (A) the severity of manpower shortages in
15 the military of Taiwan, including in the reserve
16 forces;

17 (B) the impact of such shortages in the
18 event of a conflict scenario; and

19 (C) Taiwan's efforts to address such short-
20 ages.

21 (7) An assessment of efforts by Taiwan to boost
22 its civilian defenses, including any informational
23 campaigns to make aware the risks of Taiwan's se-
24 curity environment to the population of Taiwan.

1 (8) An assessment of efforts by Taiwan to se-
2 cure its critical infrastructure, including in transpor-
3 tation, telecommunications networks, and energy.

4 (9) An assessment of efforts by Taiwan to en-
5 hance its cybersecurity, including the security of ci-
6 vilian government and military networks.

7 (10) An assessment of any significant gaps in
8 any of the matters described in paragraphs (1)
9 through (9) with respect to which the United States
10 assesses that additional action is needed.

11 (11) A description of cooperative efforts be-
12 tween the United States and Taiwan on the matters
13 described in paragraphs (1) through (10).

14 (12) A description of resistance within the Gov-
15 ernment of Taiwan to implementing the matters de-
16 scribed in paragraphs (1) through (9) or to United
17 States support or engagement with regard to those
18 matters.

19 (c) FORM.—The report required by subsection (a)
20 shall be submitted in classified form, but may include an
21 unclassified summary.

○