

105TH CONGRESS
1ST SESSION

H. R. 2386

To implement the provisions of the Taiwan Relations Act concerning the stability and security of Taiwan and United States cooperation with Taiwan on the development and acquisition of defensive military articles.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 3, 1997

Mr. HUNTER (for himself, Mr. COX of California, Mr. GIBBONS, Mr. GILMAN, Mr. SAM JOHNSON of Texas, Mr. MCINTOSH, Mr. ROHRABACHER, Mr. ROYCE, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. SOLOMON, and Mr. SPENCE) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To implement the provisions of the Taiwan Relations Act concerning the stability and security of Taiwan and United States cooperation with Taiwan on the development and acquisition of defensive military articles.

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.**

4 This Act may be cited as the “United States-Taiwan
5 Anti-Ballistic Missile Defense Cooperation Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) The stability and security of Taiwan and
4 the balance of power in the Taiwan Strait are key
5 elements for the continued peace and stability of the
6 greater Asia-Pacific region, and the indefinite con-
7 tinuation of such stability and security and balance
8 of power is in the vital national security interest of
9 the United States.

10 (2) The People's Republic of China is currently
11 engaged in a comprehensive military modernization
12 campaign that is enhancing the power-projection ca-
13 pabilities of the People's Liberation Army, including
14 the introduction of advanced ballistic and cruise mis-
15 siles that could alter the current balance of power in
16 the Taiwan Strait and in the greater Asia-Pacific re-
17 gion.

18 (3) The current lack of transparency in the
19 People's Republic of China military infrastructure
20 and its associated defense establishment and the
21 opaqueness of the comprehensive efforts of the Peo-
22 ple's Liberation Army to modernize its ballistic and
23 cruise missile programs could spark a regional arms
24 race that would destabilize the East Asia and West-
25 ern Pacific regions and threaten vital United States
26 national security interests.

1 (4) In March 1996, the People's Liberation
2 Army created a temporary, but de facto, blockade of
3 both the international shipping lanes of the Taiwan
4 Strait and the international airspace around Taiwan
5 by conducting live-fire military exercises which in-
6 cluded the launch of several advanced, nuclear-capable
7 M-9 ballistic missiles to target areas close to
8 major ports in both the northern and southern areas
9 of Taiwan.

10 (5) In March 1996, the locations of People's
11 Liberation Army military activities and M-9 missile
12 target areas nearby to Taiwan's two largest ports,
13 Keelung and Kaohsiung, created a de facto blockade
14 of the Taiwan Strait, international waters and air-
15 space, interfered with United States and inter-
16 national shipping and aviation, and impinged upon
17 the national security interests of the United States,
18 requiring the immediate deployment of two United
19 States aircraft carrier battle groups to the South
20 China Sea.

21 (6) The actions of the People's Liberation Army
22 in such close proximity to Taiwan were deliberate at-
23 tempts to disrupt Taiwan's social and economic sta-
24 bility and were carried out as attempts to intimidate
25 the people of Taiwan during the period leading up

1 to Taiwan's historic first democratic presidential
2 election.

3 (7) The early development and deployment of
4 an effective United States theater missile defense
5 system to the Asia-Pacific region, and the adjust-
6 ment of United States policy to include Taiwan, in-
7 cluding the Penghu Islands, Kinmen, and Matsu,
8 under the protection of such defense system, would
9 be prudent and appropriate responses to—

10 (A) the refusal by the People's Republic of
11 China to renounce the use of force to determine
12 the future of Taiwan;

13 (B) the nature of the military threat of the
14 People's Republic of China posed by the in-
15 creased focus of the People's Liberation Army
16 on advanced missile development; and

17 (C) the demonstrated intent of the Govern-
18 ment of the People's Republic of China to use
19 live-fire military exercises and ballistic missile
20 tests against the people and Government of
21 Taiwan as tools of so-called coercive diplomacy.

22 (8) The early deployment of a United States
23 theater anti-ballistic missile system in the Asia-Pa-
24 cific region would maintain a balance of power in the
25 Taiwan Strait and deter the People's Republic of

1 China from resorting to military intimidation tactics
2 to coerce or manipulate the people and freely-elected
3 Government of Taiwan in the future.

4 (9) Taiwan’s local air-defense capability pro-
5 vided by the United States Modified Air Defense
6 System (MADS) is not adequate for the task of de-
7 fending local areas of Taiwan, including the Penghu
8 Islands, Kinmen, and Matsu, from limited ballistic
9 missile attacks or deterring the threat and use of
10 force against Taiwan by the People’s Liberation
11 Army to achieve the political goals of the core lead-
12 ership of the People’s Republic of China.

13 (10) Taiwan has requested further United
14 States cooperation on missile defense, including the
15 conduct of a joint architecture study of the require-
16 ments for the establishment and operation of a mis-
17 sile defense system for Taiwan, including the
18 Penghu Islands, Kinmen, and Matsu.

19 **SEC. 3. APPLICABILITY OF TAIWAN RELATIONS ACT.**

20 Section 3 of the Taiwan Relations Act (22 U.S.C.
21 3302) is amended by adding at the end the following new
22 subsection:

23 “(d) The provisions of subsections (a) and (b) super-
24 sede any provision of the Joint Communique of the United
25 States and China of August 17, 1982.”.

1 **SEC. 4. STUDY AND REPORT RELATING TO ESTABLISH-**
2 **MENT AND OPERATION OF A THEATER BAL-**
3 **LISTIC MISSILE DEFENSE SYSTEM IN THE**
4 **ASIA-PACIFIC REGION.**

5 (a) STUDY.—The Secretary of Defense shall carry
6 out a study of the architecture requirements for the estab-
7 lishment and operation of a theater ballistic missile de-
8 fense system in the Asia-Pacific region that would have
9 the capability to protect Taiwan from ballistic missile at-
10 tacks. The study shall include a description of appropriate
11 measures by which the United States would cooperate with
12 Taiwan and provide Taiwan with an advanced local-area
13 ballistic missile defense system.

14 (b) REPORT.—Not later than July 1, 1998, the Sec-
15 retary of Defense shall submit to the Committee on Na-
16 tional Security of the House of Representatives and the
17 Committee on Armed Services of the Senate a report con-
18 taining—

19 (1) the results of the study conducted under
20 subsection (a);

21 (2) the factors used to obtain such results;

22 (3) a description of any existing United States
23 missile defense system that could be transferred to
24 Taiwan in accordance with the Taiwan Relations Act
25 in order to allow Taiwan to provide for its self-de-
26 fense against limited ballistic missile attacks.

1 (c) FORM OF REPORT.—The report under subsection
2 (b) shall be submitted in both classified and unclassified
3 form.

4 **SEC. 5. TRANSFER OF BALLISTIC MISSILE DEFENSE SYS-**
5 **TEMS TO TAIWAN.**

6 It is the sense of the Congress that the President,
7 if requested by the Government of Taiwan and in accord-
8 ance with the results of the study conducted under section
9 4, should transfer to the Government of Taiwan appro-
10 priate defense articles or defense services under the for-
11 eign military sales program under chapter 2 of the Arms
12 Export Control Act (22 U.S.C. 2761 et seq.) for the pur-
13 pose of establishing and operating a local-area ballistic
14 missile defense system to protect Taiwan, including the
15 Penghu Islands, Kinmen, and Matsu, against limited bal-
16 listic missile attacks.

17 **SEC. 6. STATEMENT OF POLICY RELATING TO UNITED**
18 **STATES THEATER MISSILE DEFENSES FOR**
19 **THE ASIA-PACIFIC REGION.**

20 The Congress declares that it is in the national inter-
21 est of the United States that Taiwan be included in any
22 effort at ballistic missile defense cooperation, networking,
23 or interoperability with friendly and allied nations in the
24 Asia-Pacific region.

○