

Union Calendar No. 179

105TH CONGRESS
1ST Session

H. R. 2386

[Report No. 105-308, Part I]

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.

OCTOBER 6, 1997

The Committee on National Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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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

OCTOBER 6, 1997

Additional sponsors: Mr. HYDE and Mr. WOLF

OCTOBER 6, 1997

Reported from the Committee on International Relations with an amendment

OCTOBER 6, 1997

Referred to the Committee on National Security extended for a period ending not later than October 6, 1997

OCTOBER 6, 1997

The Committee on National Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on September 3, 1997]

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”.*

6 **SEC. 2. FINDINGS.**

7 *The Congress finds the following:*

8 (1) *The stability and security of Taiwan and the*
9 *balance of power in the Taiwan Strait are key ele-*
10 *ments for the continued peace and stability of the*
11 *greater Asia-Pacific region, and the indefinite con-*
12 *tinuation of such stability and security and balance*
13 *of power is in the vital national security interest of*
14 *the United States.*

15 (2) *The People’s Republic of China is currently*
16 *engaged in a comprehensive military modernization*
17 *campaign that is enhancing the power-projection ca-*
18 *pacilities of the People’s Liberation Army, including*

1 *the introduction of advanced ballistic and cruise mis-*
2 *siles that could alter the current balance of power in*
3 *the Taiwan Strait and in the greater Asia-Pacific re-*
4 *gion.*

5 *(3) The current lack of transparency in the Peo-*
6 *ple's Republic of China military infrastructure and*
7 *its associated defense establishment and the opaque-*
8 *ness of the comprehensive efforts of the People's Lib-*
9 *eration Army to modernize its ballistic and cruise*
10 *missile programs could spark a regional arms race*
11 *that would destabilize the East Asia and Western Pa-*
12 *cific regions and threaten vital United States na-*
13 *tional security interests.*

14 *(4) In March 1996, the People's Liberation*
15 *Army created a temporary, but de facto, blockade of*
16 *both the international shipping lanes of the Taiwan*
17 *Strait and the international airspace around Taiwan*
18 *by conducting live-fire military exercises which in-*
19 *cluded the launch of several advanced, nuclear-capable*
20 *M-9 ballistic missiles to target areas close to major*
21 *ports in both the northern and southern areas of Tai-*
22 *wan.*

23 *(5) In March 1996, the locations of People's Lib-*
24 *eration Army military activities and M-9 missile*
25 *target areas nearby to Taiwan's two largest ports,*

1 *Keelung and Kaohsiung, created a de facto blockade*
2 *of the Taiwan Strait, international waters and air-*
3 *space, interfered with United States and inter-*
4 *national shipping and aviation, and impinged upon*
5 *the national security interests of the United States,*
6 *requiring the immediate deployment of two United*
7 *States aircraft carrier battle groups to the South*
8 *China Sea.*

9 (6) *The actions of the People's Liberation Army*
10 *in such close proximity to Taiwan were deliberate at-*
11 *tempts to disrupt Taiwan's social and economic sta-*
12 *bility and were carried out as attempts to intimidate*
13 *the people of Taiwan during the period leading up to*
14 *Taiwan's historic first democratic presidential elec-*
15 *tion.*

16 (7) *The early development and deployment of an*
17 *effective United States theater missile defense system*
18 *to the Asia-Pacific region, and the adjustment of*
19 *United States policy to include Taiwan, including the*
20 *Penghu Islands, Kinmen, and Matsu, under the pro-*
21 *tection of such defense system, would be prudent and*
22 *appropriate responses to—*

23 (A) *the refusal by the People's Republic of*
24 *China to renounce the use of force to determine*
25 *the future of Taiwan;*

1 (B) the nature of the military threat of the
2 People’s Republic of China posed by the in-
3 creased focus of the People’s Liberation Army on
4 advanced missile development; and

5 (C) the demonstrated intent of the Govern-
6 ment of the People’s Republic of China to use
7 live-fire military exercises and ballistic missile
8 tests against the people and Government of Tai-
9 wan as tools of so-called coercive diplomacy.

10 (8) The early deployment of a United States the-
11 ater anti-ballistic missile system in the Asia-Pacific
12 region would maintain a balance of power in the Tai-
13 wan Strait and deter the People’s Republic of China
14 from resorting to military intimidation tactics to co-
15 erce or manipulate the people and freely-elected Gov-
16 ernment of Taiwan in the future.

17 (9) Taiwan’s local air-defense capability pro-
18 vided by the United States Modified Air Defense Sys-
19 tem (MADS) is not adequate for the task of defending
20 local areas of Taiwan, including the Penghu Islands,
21 Kinmen, and Matsu, from limited ballistic missile at-
22 tacks or deterring the threat and use of force against
23 Taiwan by the People’s Liberation Army to achieve
24 the political goals of the core leadership of the People’s
25 Republic of China.

1 (10) *Taiwan has requested further United States*
2 *cooperation on missile defense, including the conduct*
3 *of a joint architecture study of the requirements for*
4 *the establishment and operation of a missile defense*
5 *system for Taiwan, including the Penghu Islands,*
6 *Kinmen, and Matsu.*

7 **SEC. 3. STUDY AND REPORT RELATING TO ESTABLISHMENT**
8 **AND OPERATION OF A THEATER BALLISTIC**
9 **MISSILE DEFENSE SYSTEM IN THE ASIA-PA-**
10 **CIFIC REGION.**

11 (a) *STUDY.*—*The Secretary of Defense shall carry out*
12 *a study of the architecture requirements for the establish-*
13 *ment and operation of a theater ballistic missile defense sys-*
14 *tem in the Asia-Pacific region that would have the capabil-*
15 *ity to protect Taiwan from ballistic missile attacks. The*
16 *study shall include a description of appropriate measures*
17 *by which the United States would cooperate with Taiwan*
18 *and provide Taiwan with an advanced local-area ballistic*
19 *missile defense system.*

20 (b) *REPORT.*—*Not later than July 1, 1998, the Sec-*
21 *retary of Defense shall submit to the Committee on National*
22 *Security of the House of Representatives and the Committee*
23 *on Armed Services of the Senate a report containing—*

24 (1) *the results of the study conducted under sub-*
25 *section (a);*

1 (2) *the factors used to obtain such results;*

2 (3) *a description of any existing United States*
3 *missile defense system that could be transferred to*
4 *Taiwan in accordance with the Taiwan Relations Act*
5 *in order to allow Taiwan to provide for its self-de-*
6 *fense against limited ballistic missile attacks.*

7 (c) *FORM OF REPORT.*—*The report under subsection*
8 *(b) shall be submitted in both classified and unclassified*
9 *form.*

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

12 *It is the sense of the Congress that the President, if*
13 *requested by the Government of Taiwan and in accordance*
14 *with the results of the study conducted under section 3,*
15 *should transfer to the Government of Taiwan appropriate*
16 *defense articles or defense services under the foreign mili-*
17 *tary sales program under chapter 2 of the Arms Export*
18 *Control Act (22 U.S.C. 2761 et seq.) for the purpose of es-*
19 *tablishing and operating a local-area ballistic missile de-*
20 *fense system to protect Taiwan, including the Penghu Is-*
21 *lands, Kinmen, and Matsu, against limited ballistic missile*
22 *attacks.*

1 **SEC. 5. STATEMENT OF POLICY RELATING TO UNITED**
2 **STATES THEATER MISSILE DEFENSES FOR**
3 **THE ASIA-PACIFIC REGION.**

4 *The Congress declares that it is in the national interest*
5 *of the United States that Taiwan be included in any effort*
6 *at ballistic missile defense cooperation, networking, or*
7 *interoperability with friendly and allied nations in the*
8 *Asia-Pacific region.*

9 **SEC. 6. SENSE OF THE CONGRESS URGING THE PRESIDENT**
10 **TO MAKE CLEAR TO THE PEOPLE'S REPUBLIC**
11 **OF CHINA THE COMMITMENT OF THE AMER-**
12 **ICAN PEOPLE TO SECURITY AND DEMOCRACY**
13 **IN TAIWAN.**

14 *It is the sense of the Congress that the Clinton Admin-*
15 *istration should make clear to the leadership of the People's*
16 *Republic of China, the American people's firm commitment*
17 *for security and democracy for the people of Taiwan and*
18 *that the United States fully expects that the resolution of*
19 *security issues on both sides of the Taiwan Strait will be*
20 *resolved by peaceful means.*