

117TH CONGRESS
1ST SESSION

S. 3131

To accelerate deployment by Taiwan of the asymmetric defense capabilities required to deter or, if necessary, defeat an invasion of Taiwan by the People’s Republic of China, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2021

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To accelerate deployment by Taiwan of the asymmetric defense capabilities required to deter or, if necessary, defeat an invasion of Taiwan by the People’s Republic of China, and for other purposes.

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 “Arm Taiwan Act of
5 2021”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

1 (1) The Department of Defense has warned
2 that the Government of the People’s Republic of
3 China may conclude that it can successfully invade
4 and seize control of Taiwan in the latter half of the
5 2020s.

6 (2) In October 2021, the Minister of National
7 Defense of Taiwan, Chiu Kuo-cheng, echoed these
8 warnings when he stated that the People’s Republic
9 of China—

10 (A) “is capable now” of invading Taiwan;
11 and

12 (B) will have “lowered the costs and
13 losses” associated with invading Taiwan “to a
14 minimum” after 2025.

15 (3) If the People’s Republic of China were to
16 invade and seize control of Taiwan, it would deal a
17 severe blow to United States interests by—

18 (A) destroying one of the world’s leading
19 democracies;

20 (B) casting doubt on the ability and re-
21 solve of the United States to uphold its security
22 commitments;

23 (C) incentivizing other countries in the
24 Indo-Pacific region to bandwagon with the Peo-
25 ple’s Republic of China; and

1 (D) facilitating the formation of a regional
2 order dominated by the People's Republic of
3 China in which the Government of the People's
4 Republic of China may—

5 (i) regulate or otherwise limit the abil-
6 ity of individuals in the United States to
7 trade in the Indo-Pacific region, which
8 would have dire effects on the livelihoods
9 and freedoms of such individuals; and

10 (ii) use the Indo-Pacific region as a
11 secure base from which to project military
12 power into other regions, including the
13 Western Hemisphere.

14 (4) Taiwan's proximity to the People's Republic
15 of China, coupled with investments by the People's
16 Republic of China in capabilities designed to delay
17 intervention by the United States Armed Forces in
18 support of Taiwan, means that Taiwan may be
19 forced to delay, degrade, and deny an invasion by
20 the People's Republic of China with limited support
21 from the United States Armed Forces for the initial
22 days, weeks, or months of such an invasion.

23 (5) If Taiwan is unable to delay, degrade, and
24 deny an invasion by the People's Republic of China
25 with limited support from the United States Armed

1 Forces, especially in the initial period of war, then
2 the People's Republic of China may conclude that it
3 is, or may actually be, capable of—

4 (A) invading and seizing control of Taiwan
5 before the United States or any other partner
6 country of Taiwan is able to respond effectively,
7 thereby achieving a fait accompli; and

8 (B) potentially rendering any attempt by
9 the United States or any other partner country
10 of Taiwan to reverse territorial gains by the
11 People's Republic of China prohibitively dif-
12 ficult, costly, or both.

13 (6) To defend itself effectively, especially in the
14 initial period of war, it is imperative that Taiwan ac-
15 celerate deployment of cost-effective and resilient
16 asymmetric defense capabilities, including mobile
17 coastal and air defenses, naval mines, missile boats,
18 man-portable anti-armor weapons, civil defense
19 forces, and their enablers.

20 (7) The deployment of such asymmetric defense
21 capabilities by Taiwan would not only improve the
22 ability of Taiwan to defend itself, but also reduce
23 operational risk to members of the United States
24 Armed Forces under a Taiwan contingency.

1 (8) The President of Taiwan, Tsai Ing-Wen,
2 has—

3 (A) vowed to bolster the national defense
4 of Taiwan and demonstrate Taiwan's deter-
5 mination to defend itself so as to ensure that
6 Taiwan will not be forced to take the path that
7 the People's Republic of China has laid out for
8 Taiwan; and

9 (B) advocated the deployment of asym-
10 metric defense capabilities.

11 (9) The Government of Taiwan has begun tak-
12 ing steps to improve Taiwan's defenses, including by
13 increasing Taiwan's defense budget and through
14 Taiwan's new proposed special defense budget, but
15 far more is needed, and quickly, to ensure that Tai-
16 wan is able to maintain a sufficient self-defense ca-
17 pability.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) the threat of an invasion of Taiwan by the
21 People's Republic of China is increasing rapidly and
22 expected to reach especially dangerous levels by the
23 latter half of the 2020s;

24 (2) the United States has a strong interest in
25 preventing the People's Republic of China from in-

1 vading and seizing control of Taiwan, especially by
2 ensuring that Taiwan is able to maintain a sufficient
3 self-defense capability;

4 (3) the United States should establish a secu-
5 rity assistance initiative so as to accelerate, to the
6 greatest extent possible, Taiwan's deployment of
7 cost-effective and resilient asymmetric defense capa-
8 bilities;

9 (4) the United States should provide such as-
10 sistance on the condition that Taiwan—

11 (A) matches investments by the United
12 States in its asymmetric defense capabilities;

13 (B) increases its defense spending to a
14 level commensurate with the threat it faces;

15 (C) prioritizes acquiring cost-effective and
16 resilient asymmetric defense capabilities as rap-
17 idly as possible, including from foreign sup-
18 pliers, if necessary; and

19 (D) demonstrates progress on defense re-
20 forms required to maximize the effectiveness of
21 its asymmetric defenses, with special regard to
22 Taiwan's reserve forces; and

23 (5) in the course of executing such a security
24 assistance initiative, the United States should—

(A) seek to co-produce or co-develop cost-effective and resilient asymmetric defense capabilities with suppliers in Taiwan, including by providing incentives to that effect, so long as those suppliers can produce such capabilities at a reasonable cost, in the quantities required, as rapidly, and to the same quality and technical standards as suppliers in the United States or other countries; and

(B) encourage other countries, particularly United States allies and partners, to sell, lease, or otherwise provide appropriate asymmetric defense capabilities to Taiwan so as to facilitate Taiwan's rapid deployment of the asymmetric defense capabilities required to deter or, if necessary, defeat an invasion by the People's Republic of China.

SEC. 3. TAIWAN SECURITY ASSISTANCE INITIATIVE.

(a) IN GENERAL.—The Secretary of Defense shall establish an initiative, to be known as the “Taiwan Security Assistance Initiative” (referred to in this Act as the “Initiative”), to accelerate Taiwan's deployment of asymmetric defense capabilities required to deter or, if necessary, defeat an invasion by the People's Republic of China.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$3,000,000,000 for the De-
3 partment of Defense for each of fiscal years 2023 through
4 2027 to provide assistance to the Government of Taiwan
5 under this section.

6 (c) AUTHORITY TO PROVIDE ASSISTANCE.—

7 (1) IN GENERAL.—The Secretary of Defense, in
8 coordination with the Secretary of State, shall use
9 the funds authorized to be appropriated under sub-
10 section (b) to provide assistance to the Government
11 of Taiwan for the purpose described in subsection
12 (d).

13 (d) PURPOSE.—The purpose of the Initiative is to
14 provide assistance, including equipment, training, and
15 other support, to the Government of Taiwan so as to accel-
16 erate Taiwan’s deployment of asymmetric defense capa-
17 bilities required to achieve, with limited support from the
18 United States Armed Forces for the initial days, weeks,
19 or months after the initiation of an invasion by the Peo-
20 ple’s Republic of China of Taiwan, the following objectives:

21 (1) To delay, degrade, and deny attempts by
22 People’s Liberation Army forces to enter or transit
23 the Taiwan Strait and adjoining seas.

24 (2) To delay, degrade, and deny attempts by
25 People’s Liberation Army forces to secure a

1 lodgment on Taiwan and expand or otherwise use
2 that lodgment to seize control of a population center
3 or other key territory in Taiwan.

4 (3) To prevent the People's Republic of China
5 from decapitating, seizing control of, or otherwise
6 neutralizing or rendering ineffective the Government
7 of Taiwan.

8 (e) ASYMMETRIC DEFENSE CAPABILITIES.—In this
9 section, the term “asymmetric defense capabilities” in-
10 cludes, in such quantities as the Secretary of Defense de-
11 termines to be necessary to achieve the purpose specified
12 in subsection (d), the following:

13 (1) Mobile, ground-based coastal defense cruise
14 missiles and launchers.

15 (2) Mobile, ground-based short-range and me-
16 dium-range air defense systems.

17 (3) Smart, self-propelled naval mines and coast-
18 al minelaying platforms.

19 (4) Missile boats and fast-attack craft equipped
20 with anti-ship and anti-landing craft missiles.

21 (5) Unmanned aerial and other mobile, resilient
22 surveillance systems to support coastal and air de-
23 fense operations.

24 (6) Equipment to support target location,
25 tracking, identification, and targeting, especially at

1 the local level, in communications degraded or de-
2 nied environments.

3 (7) Man-portable anti-armor weapons, mortars,
4 and small arms for ground combat operations.

5 (8) Equipment and technical assistance for the
6 purpose of developing civil defense forces, composed
7 of civilian volunteers and militia.

8 (9) Training and equipment, including appro-
9 priate war reserves, required for Taiwan forces to
10 independently maintain, sustain, and employ capa-
11 bilities described in paragraphs (1) through (8).

12 (10) Concept development for coastal defense,
13 air defense, decentralized command and control, civil
14 defense, logistics, planning, and other critical mili-
15 tary functions, with an emphasis on operations in a
16 communications degraded or denied environment.

17 (11) Any other capability the Secretary of De-
18 fense considers appropriate for the purpose de-
19 scribed in subsection (d).

20 (f) AVAILABILITY OF FUNDS.—

21 (1) PLAN.—Not later than December 1, 2022,
22 and annually thereafter, the Secretary of Defense, in
23 coordination with the Secretary of State, shall sub-
24 mit to the appropriate committees of Congress a
25 plan for using funds authorized to be appropriated

1 under subsection (b) for the purpose specified in
2 subsection (d).

3 (2) INITIAL CERTIFICATION.—Amounts author-
4 ized to be appropriated under subsection (b) for fis-
5 cal year 2023 may not be obligated or expended
6 until the date on which the Secretary of Defense, in
7 coordination with the Secretary of State, certifies
8 that the Government of Taiwan has committed—

9 (A) to spending an equivalent amount on
10 asymmetric defense capabilities in fiscal year
11 2023;

12 (B) to spending not less than three percent
13 of Taiwan’s national gross domestic product on
14 defense on an annual basis by the end of fiscal
15 year 2027, including expenditures under the
16 normal defense budget and any supplemental or
17 special defense budgets of Taiwan;

18 (C) to acquiring asymmetric defense capa-
19 bilities as rapidly as possible, including from
20 suppliers in the United States or other coun-
21 tries, if the Secretary of Defense determines
22 that such suppliers will be able to provide such
23 capabilities at a reasonable cost, in sufficient
24 quantities, of sufficient quality and technical

standards, and more rapidly than suppliers in Taiwan; and

(D) to undertaking the defense reforms required to maximize the effectiveness of an asymmetric defense against an invasion by the People's Republic of China, including by improving organization, mobilization, and training of the reserve forces and other military personnel of Taiwan.

(3) SUBSEQUENT CERTIFICATIONS.—Amounts authorized to be appropriated under subsection (b) for each of fiscal years 2024, 2025, 2026, and 2027 may not be obligated or expended until the date on which the Secretary of Defense, in coordination with the Secretary of State, certifies that the Government of Taiwan has committed—

(A) to spending an equivalent amount on asymmetric defense capabilities in the applicable fiscal year and upheld its commitment to spend an equivalent amount as the United States in the preceding fiscal year on asymmetric defense capabilities to be deployed by Taiwan;

(B) to spending not less than three percent of Taiwan's national gross domestic product on

1 defense on an annual basis by the end of fiscal
2 year 2027, including expenditures under the
3 normal defense budget and any supplemental or
4 special defense budgets of Taiwan, and dem-
5 onstrated progress toward that spending target
6 in the preceding fiscal year;

7 (C) to acquiring asymmetric defense capa-
8 bilities as rapidly as possible, including from
9 suppliers in the United States or other coun-
10 tries, if the Secretary of Defense determines
11 that such suppliers will be able to provide such
12 capabilities at reasonable cost, in sufficient
13 quantities, of sufficient quality and technical
14 standards, and more rapidly than suppliers in
15 Taiwan, and upheld its commitment to acquire
16 asymmetric defense capabilities as rapidly as
17 possible in the preceding fiscal year; and

18 (D) to undertaking the defense reforms re-
19 quired to maximize the effectiveness of an
20 asymmetric defense against an invasion by the
21 People's Republic of China, including by im-
22 proving the organization, mobilization, and
23 training of the reserve forces and other military
24 personnel of Taiwan, and demonstrated

1 progress on such reforms in the preceding fiscal
2 year.

3 (4) NOTIFICATION TO CONGRESS.—Not later
4 than 30 days after making a certification under
5 paragraph (2) or (3), the Secretary of Defense shall
6 submit to the appropriate committees of Congress a
7 notice and explanation of such certification.

8 (5) REMAINING FUNDS.—

9 (A) IN GENERAL.—Subject to subpara-
10 graph (B), amounts appropriated for a fiscal
11 year pursuant to the authorization of appro-
12 priations under subsection (b) that are not obli-
13 gated and expended during that fiscal year shall
14 be added to the amount that may be used for
15 the Initiative in the subsequent fiscal year.

16 (B) RESCISSION.—Amounts appropriated
17 pursuant to the authorization of appropriation
18 under subsection (b) that remain unobligated
19 by the end of fiscal year 2027 shall be re-
20 scinded and deposited into the general fund of
21 the Treasury.

22 (g) DEFENSE ARTICLES AND SERVICES FROM
23 UNITED STATES INVENTORY AND OTHER SOURCES.—

24 (1) IN GENERAL.—In addition to assistance
25 provided pursuant to subsection (c), the Secretary of

1 Defense, in coordination with the Secretary of State,
2 may make available to the Government of Taiwan,
3 in such quantities as the Secretary of Defense con-
4 sider appropriate for the purpose described in sub-
5 section (d), the following:

6 (A) Weapons and other defense articles
7 from the United States inventory and other
8 sources.

9 (B) Excess defense articles from the
10 United States inventory.

11 (C) Defense services.

12 (2) REPLACEMENT.—Amounts for the replace-
13 ment of any item provided to the Government of
14 Taiwan under paragraph (1)(A) may be made avail-
15 able from the amount authorized to be appropriated
16 under subsection (b).

17 (h) TERMINATION OF AUTHORITY.—Assistance may
18 not be provided under this section after September 30,
19 2027.

20 **SEC. 4. LIMITATION ON CONVENTIONAL ARMS SALES.**

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

23 (1) historically, the Government of Taiwan has
24 prioritized the acquisition of conventional weapons
25 that would be of limited utility in deterring or de-

1 feating an invasion by the People’s Republic of
2 China at the expense of the timely acquisition of
3 cost-effective and resilient asymmetric defense capa-
4 bilities;

5 (2) the United States Government has often
6 shared responsibility for the misguided prioritization
7 of defense acquisitions described in paragraph (1) by
8 approving sales of conventional weapons to Taiwan,
9 despite knowledge that such sales would do little to
10 enhance, and may even undermine, the ability of
11 Taiwan to deter or defeat an invasion by the Peo-
12 ple’s Republic of China;

13 (3) the misguided prioritization of defense ac-
14 quisitions described in paragraph (1) has not only
15 undermined the ability of Taiwan to deter or defeat
16 an invasion by the People’s Republic of China, but
17 has also placed at greater risk of death or injury
18 members of the United States Armed Forces who
19 may come under attack or be asked to come to the
20 aid of Taiwan to repel such an invasion; and

21 (4) any future sales, leases, or other provision
22 of conventional weaponry to Taiwan by the United
23 States should be conditioned on meaningful progress
24 by the Government of Taiwan on the acquisition of
25 appropriate asymmetric defense capabilities.

1 (b) STATEMENT OF POLICY.—For each of fiscal
2 years 2023 through 2027, the United States Government
3 shall not sell, lease, or otherwise provide military capabili-
4 ties to Taiwan other than asymmetric defense capabilities
5 described in subsection (e) of section 3 until the earlier
6 of—

7 (1) the date on which the Secretary of Defense
8 has submitted a notification under subsection (f)(4)
9 of that section for the fiscal year in which the Gov-
10 ernment of Taiwan has requested the sale, lease, or
11 other provision of military capabilities other than
12 such asymmetric defense capabilities; or

13 (2) the date on which the Secretary of Defense
14 certifies to the appropriate committees of Congress
15 that the sale, lease, or other provision to Taiwan of
16 military capabilities other than such asymmetric de-
17 fense capabilities—

18 (A) is necessary to enhance the ability of
19 Taiwan to deter or, if necessary, defeat an inva-
20 sion by the People’s Republic of China; or

21 (B) will not slow, delay, limit, or otherwise
22 detract from or undermine the ability of Taiwan
23 to deploy such asymmetric defense capabilities.

1 **SEC. 5. DEFINITION OF APPROPRIATE COMMITTEES OF**
2 **CONGRESS.**

3 In this Act, the term “appropriate committees of
4 Congress” means—

5 (1) the Committee on Armed Services and the
6 Committee on Foreign Relations of the Senate; and

7 (2) the Committee on Armed Services and the
8 Committee on Foreign Affairs of the House of Rep-
9 resentatives.

○