

117TH CONGRESS
2D SESSION

S. 4129

To promote peace through strength in Taiwan, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2022

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

A BILL

To promote peace through strength in Taiwan, 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 “Taiwan Peace through
5 Strength Act of 2022”.

6 **SEC. 2. ANTICIPATORY POLICY PLANNING AND ANNUAL RE-**
7 **VIEW OF UNITED STATES WAR PLANS TO DE-**
8 **FEND TAIWAN.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, and annually thereafter,
11 the Secretary of Defense shall conduct a classified review

1 of United States war plans to defend Taiwan and share
2 the results of the review with the Chairman and Ranking
3 Member of the Committee on Armed Services of the Sen-
4 ate and the Committee on Armed Services of the House
5 of Representatives.

6 (b) ELEMENTS.—The review conducted under sub-
7 section (a) shall include the following elements:

8 (1) An assessment of Taiwan’s current and
9 near-term capabilities and United State force readi-
10 ness and the adequacy of United States conflict con-
11 tingency plans.

12 (2) A detailed strategy of denial to defend Tai-
13 wan against aggression by the People’s Liberation
14 Army, especially an attempted fait accompli to seize
15 and hold the island.

16 (3) A comprehensive assessment of risks to the
17 United States and United States interests, including
18 readiness shortfalls that pose strategic risk.

19 (4) A review of indicators of the near-term like-
20 lihood of the use of force by the People’s Liberation
21 Army against Taiwan.

22 (5) The compilation of a pre-approved list of
23 military capabilities, including both asymmetric and
24 traditional capabilities selected to suit the oper-
25 ational environment and to allow Taiwan to respond

1 effectively to a variety of contingencies across all
2 phases of conflict involving the People's Liberation
3 Army, that the Secretary of Defense has pre-cleared
4 for Taiwan to acquire, and that would reduce the
5 threat of conflict, thwart an invasion, and mitigate
6 other risks to the United States and Taiwan.

7 **SEC. 3. FAST-TRACKING SALES TO TAIWAN UNDER FOR-**
8 **EIGN MILITARY SALES PROGRAM.**

9 (a) PRECLEARANCE OF CERTAIN FOREIGN MILITARY
10 SALES ITEMS.—

11 (1) IN GENERAL.—Not later than one year
12 after the date of the enactment of this Act, and an-
13 nually thereafter, the Secretary of State, in coordi-
14 nation with the Secretary of Defense and in conjunc-
15 tion with coordinating entities such as the National
16 Disclosure Policy Committee and the Arms Transfer
17 and Technology Release Senior Steering Group,
18 shall compile a list of available and emerging mili-
19 tary platforms, technologies, and equipment that are
20 pre-cleared and prioritized for sale and release to
21 Taiwan through the Foreign Military Sales program.
22 The Department of Defense shall serve as the lead
23 Federal agency for purposes of making final deter-
24 minations when disputes arise between agencies

1 about the appropriateness of specific items for sale
2 to Taiwan.

3 (2) SELECTION OF ITEMS.—

4 (A) IN GENERAL.—The items pre-cleared
5 for sale pursuant to paragraph (1) shall rep-
6 resent a full range of key asymmetric capabili-
7 ties as well as the conventional capabilities in-
8 formed by United States readiness and risk as-
9 sessments and determined by Taiwan to be re-
10 quired for various wartime scenarios and peace-
11 time duties, and shall include each item on the
12 list of approved items compiled by the Secretary
13 of Defense pursuant to section 2(b)(5) unless
14 the Secretary of State includes a determination
15 for any excluded item that the costs to the
16 United States of the failure to arm Taiwan with
17 such item, including the likelihood of being
18 drawn into conflict with the People's Republic
19 of China, are less likely to be incurred, and
20 would be less costly if incurred, than the poten-
21 tial costs, such as technology slippage, associ-
22 ated with providing such item.

23 (B) RULE OF CONSTRUCTION.—The list
24 compiled pursuant to section 2(b)(5) shall not
25 be construed as limiting the type, timing, or

1 quantity of items that may be requested by, or
2 sold to, Taiwan under the Foreign Military
3 Sales program.

4 (b) PRIORITIZED PROCESSING OF FOREIGN MILI-
5 TARY SALES REQUESTS FROM TAIWAN.—

6 (1) REQUIREMENT.—The Secretary of Defense
7 and the Secretary of State shall prioritize and expe-
8 dite the processing of requests from Taiwan under
9 the Foreign Military Sales program, and may not
10 delay the processing of requests for bundling pur-
11 poses.

12 (2) DURATION.—The requirement under para-
13 graph (1) shall continue until the Secretary of De-
14 fense determines and certifies to the Committee on
15 Armed Services of the Senate and the Committee on
16 Armed Services of the House of Representatives that
17 the threat to Taiwan has significantly abated.

18 (3) ANNUAL REPORT.—Not later than 180 days
19 after the date of the enactment of this Act, and an-
20 nually thereafter for 10 years, the Secretary of De-
21 fense shall submit to the Committee on Armed Serv-
22 ices of the Senate and the Committee on Armed
23 Services of the House of Representatives a report
24 describing steps taken to implement the requirement
25 under paragraph (1).

1 (c) PRIORITY PRODUCTION.—

2 (1) REQUIREMENT.—Contractors awarded De-
3 partment of Defense contracts to provide items for
4 sale to Taiwan under the Foreign Military Sales pro-
5 gram shall be required, as a condition of receiving
6 such contracts, to expedite and prioritize the produc-
7 tion of such items above the production of other
8 items regardless of the order in which contracts were
9 signed.

10 (2) DURATION.—The requirement under para-
11 graph (1) shall continue until the Secretary of De-
12 fense determines and certifies to the Committee on
13 Armed Services of the Senate and the Committee on
14 Armed Services of the House of Representatives that
15 the threat to Taiwan has significantly abated.

16 (3) ANNUAL REPORT.—Contractors covered
17 under paragraph (1) shall be required to report an-
18 nually to the Committee on Armed Services of the
19 Senate and the Committee on Armed Services of the
20 House of Representatives on efforts to expedite and
21 prioritize production as required under such para-
22 graph.

23 (d) INTERAGENCY POLICY.—The Secretary of State
24 and the Secretary of Defense shall jointly review and up-
25 date interagency policies and implementation guidance re-

lated to Foreign Military Sales requests from Taiwan, including incorporating the preclearance and prioritization provisions of this section.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN MILITARY FINANCING GRANT ASSISTANCE TO TAIWAN.

(a) TAIWAN SECURITY PROGRAMS.—In addition to amounts otherwise authorized to be appropriated for Foreign Military Financing, there is authorized to be appropriated to the Department of State for the exclusive purpose of Taiwan Foreign Military Finance grant assistance programs \$2,000,000,000 for each of fiscal years 2023 to 2032.

(b) RESTRICTIONS ON TAIWAN FOREIGN MILITARY FINANCING.—Amounts authorized to be appropriated under subsection (a) shall be available only if—

(1) Taiwan commits to match the appropriated spending on a dollar-for-dollar basis, as reflected in Taiwan’s annual allocation for defense spending and special budgets passed by the Legislative Yuan for additional defense spending;

(2) Taiwan focuses on the acquisition of asymmetric capabilities consistent with a strategy of denial while also modernizing sufficient conventional capabilities to respond to a variety of contingencies

1 across all phases of conflict, including grey zone ac-
2 tivities, and execute essential peacetime missions;
3 and

4 (3) the United States and Taiwan formally
5 agree—

6 (A) to conduct joint long-range planning
7 for capability development; and

8 (B) on the expenditure of such amounts
9 and on specific, pre-cleared systems and train-
10 ing that reduce risk to Taiwan and the United
11 States by deterring the People's Liberation
12 Army.

13 (c) UPDATED INTERAGENCY POLICY AND GUID-
14 ANCE.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary of State and the Secretary of Defense shall
18 review and update interagency written policy and
19 implementation guidance related to the Taiwan Re-
20 lations Act (Public Law 96–8).

21 (2) ELEMENTS.—The updated policy and guid-
22 ance required under paragraph (1) shall—

23 (A) reflect the Foreign Military Sales
24 prioritization requirements under section 3; and

1 (B) update obsolete policy guidance based
2 on “arms of a defensive character” to a policy
3 based on deterring the People’s Liberation
4 Army, including the provision of arms designed
5 to deter an invasion, whether arms of a defen-
6 sive or offensive nature.

7 **SEC. 5. AMENDMENTS TO TAIWAN RELATIONS ACT.**

8 (a) **POLICY.**—Section 2(b)(5) of the Taiwan Rela-
9 tions Act (22 U.S.C. 3301(b)(5)) is amended by striking
10 “arms of a defensive character” and inserting “arms con-
11 ducive to the deterrence of acts of aggression by the Peo-
12 ple’s Liberation Army”.

13 (b) **PROVISION OF DEFENSE ARTICLES AND SERV-**
14 **ICES.**—Section 3(a) of the Taiwan Relations Act (22
15 U.S.C. 3302(a)) is amended by striking “such defense ar-
16 ticles and defense services in such quantity as may be nec-
17 essary to enable Taiwan to maintain a sufficient self-de-
18 fense capability” and inserting “such defense articles and
19 defense services in such quantity as may be necessary to
20 enable Taiwan to implement a strategy of denial and deter
21 acts of aggression by the People’s Liberation Army”.

22 (c) **RULE OF CONSTRUCTION.**—Section 4 of the Tai-
23 wan Relations Act (22 U.S.C. 3303) is amended by adding
24 at the end the following new subsection:

1 “(e) SECURITY COOPERATION AND DETERRENCE OF
2 USE OF FORCE BY PEOPLE’S LIBERATION ARMY.—Noth-
3 ing in this Act, nor the facts of the President’s action in
4 extending diplomatic recognition to the People’s Republic
5 of China, the absence of diplomatic relations between the
6 people of Taiwan and the United States, or the lack of
7 formal recognition by the United States, and attendant
8 circumstances thereto, shall be construed to constitute a
9 legal or practical obstacle to any otherwise lawful action
10 of the President or of any United States Government
11 agency that is needed to advance or protect United States
12 interests pertaining to Taiwan, including actions intended
13 to strengthen security cooperation between the United
14 States and Taiwan or to otherwise deter the use of force
15 against Taiwan by the People’s Liberation Army.”.

16 **SEC. 6. COMPREHENSIVE TRAINING PROGRAM.**

17 (a) IN GENERAL.—The Secretary of Defense shall es-
18 tablish a comprehensive training program with Taiwan de-
19 signed to achieve interoperability and improve Taiwan’s
20 defense capabilities. The training program should include
21 joint United States-Taiwan contingency tabletop exercises,
22 war games, full-scale military exercises, and an enduring
23 rotational United States military advisory group large
24 enough to ensure Taiwan maintains force readiness and
25 can fully utilize United States technologies released

1 through the Foreign Military Sales and Foreign Military
2 Financing programs.

3 (b) ANNUAL REPORT.—Not later than 180 days after
4 the date of the enactment of this Act, and annually there-
5 after for 10 years, the Secretary of Defense shall submit
6 to the Committee on Armed Services of the Senate and
7 the Committee on Armed Services of the House of Rep-
8 resentatives a report on the establishment and implemen-
9 tation of the comprehensive training program required
10 under subsection (a).

11 **SEC. 7. MILITARY PLANNING MECHANISM.**

12 The Secretary of Defense shall establish a high-level
13 military planning mechanism between the United States
14 and Taiwan to oversee a Joint and Combined Exercise
15 Program and coordinate International Military Education
16 and Training assistance and professional exchanges aimed
17 at determining and coordinating the acquisition of capa-
18 bilities for both United States and Taiwan military forces
19 to address the needs of currently anticipated and future
20 contingencies. The mechanism may be modeled after the
21 Joint United States Military Advisory Group Thailand, or
22 any such similar existing arrangement, as determined by
23 the Secretary of Defense.

1 **SEC. 8. PROHIBITION ON DOING BUSINESS IN CHINA.**

2 Any contractor awarded a Department of Defense
3 contract shall be required, as a condition of receiving such
4 contract, not to conduct any business in the People's Re-
5 public of China. Noncompliance with such requirement
6 shall be grounds for termination of the contract.

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