

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To maintain the ability of the United States Armed Forces to deny a fait accompli by the People's Republic of China against Taiwan, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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

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**A BILL**

To maintain the ability of the United States Armed Forces to deny a fait accompli by the People's Republic of China against 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 Defense Act".

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) DENY.—The term "deny" means to use  
8 combined joint operations to delay, degrade, and ul-  
9 timately defeat an attempt by the People's Republic

1 of China to execute a fait accompli against Taiwan,  
2 resulting in—

3 (A) the termination of hostilities or, at a  
4 minimum, the termination of the attempted fait  
5 accompli; or

6 (B) the neutralization of the ability of the  
7 People’s Republic of China to execute a fait  
8 accompli against Taiwan.

9 (2) FAIT ACCOMPLI.—The term “fait accompli”  
10 means the strategy of the People’s Republic of  
11 China designed to allow the People’s Republic of  
12 China to use military force to seize control of Tai-  
13 wan before the United States Armed Forces are able  
14 to respond effectively, while simultaneously deterring  
15 an effective combined joint response by the United  
16 States Armed Forces by convincing the United  
17 States that mounting such a response would be pro-  
18 hibitively difficult or costly.

19 **SEC. 3. FINDINGS.**

20 Congress makes the following findings:

21 (1) Taiwan is—

22 (A) a beacon of democracy in Asia; and

23 (B) a steadfast partner of the United  
24 States in the common pursuit of a free and  
25 open Indo-Pacific region in which—

1 (i) all societies enjoy sovereign auton-  
2 omy;

3 (ii) people live securely, prosperously,  
4 and with dignity; and

5 (iii) the societies of the region rise  
6 and fall not by coercion but on the basis  
7 of peaceful competition.

8 (2) If the Government of the People's Republic  
9 of China were to use military force to compel the  
10 unification of Taiwan with the People's Republic of  
11 China—

12 (A) the world would lose one of the great  
13 champions of freedom and democracy;

14 (B) the United States and allies and part-  
15 ners of the United States would face severe dif-  
16 ficulty in maintaining favorable balances of  
17 power relative to the People's Republic of China  
18 in Northeast and Southeast Asia; and

19 (C) as the balance of power in the Indo-  
20 Pacific region shifted in favor of the People's  
21 Republic of China, the Government of the Peo-  
22 ple's Republic of China would possess an in-  
23 creasing ability—

24 (i) to impose its will throughout the  
25 Indo-Pacific region; and

1 (ii) to prevent United States access to  
2 key trade routes and markets in the Indo-  
3 Pacific region, thereby imposing severe  
4 economic hardship on middle-class and  
5 working-class people of the United States  
6 and undermining the American way of life.

7 (3) In January 2019, the Defense Intelligence  
8 Agency assessed that the “longstanding” intent of  
9 the Government of the People’s Republic of China to  
10 compel the unification of Taiwan with the People’s  
11 Republic of China, and deter any attempt by Taiwan  
12 to declare independence, was the “primary driver for  
13 China’s military modernization”.

14 (4) The Department of Defense Indo-Pacific  
15 Strategy Report released in June 2019, states that  
16 the Government of the People’s Republic of China is  
17 “preparing for a contingency to unify Taiwan with  
18 the mainland by force, while simultaneously deter-  
19 ring, delaying, or denying any third-party interven-  
20 tion on Taiwan’s behalf”.

21 (5) Department of Defense statements and pub-  
22 lications indicate that the Government of the Peo-  
23 ple’s Republic of China is developing the plans and  
24 capabilities required to employ the fait accompli

1 strategy to compel the unification of Taiwan with  
2 the People’s Republic of China, including—

3 (A) the assessment by the Defense Science  
4 Board in 2017 that the Government of the Peo-  
5 ple’s Republic of China had adopted a theory of  
6 victory whereby once conflict with the United  
7 States appeared inevitable, as might be the case  
8 if the Government of the People’s Republic of  
9 China attempted to use military force to compel  
10 the unification of Taiwan with the People’s Re-  
11 public of China, then the Government of the  
12 People’s Republic of China “will attempt to  
13 achieve a decisive outcome very quickly, pre-  
14 senting the United States and its allies with a  
15 fait accompli” and “then seek to demonstrate  
16 that the United States and its allies will incur  
17 significant costs in seeking to reverse that out-  
18 come”;

19 (B) the assessment in the Indo-Pacific  
20 Strategy Report that, if the Government of the  
21 People’s Republic of China or another compet-  
22 itor in the Indo-Pacific region decides “to ad-  
23 vance their interests through force, they are  
24 likely to enjoy a local military advantage at the  
25 onset of conflict. In a fait accompli scenario,

1 competitors would seek to employ their capabilities  
2 ties quickly to achieve limited objectives and  
3 forestall a response from the United States and  
4 its allies and partners”;

5 (C) testimony by then Acting Secretary of  
6 Defense Patrick Shanahan in March 2019  
7 that—

8 (i) the Government of the People’s  
9 Republic of China “has made investments  
10 specifically intended to offset U.S. advantages”;  
11 and

12 (ii) if deployed in the initial stages of  
13 a conflict, “these capabilities could seek to  
14 achieve a ‘fait accompli’ that would make  
15 reversing Chinese gains more difficult,  
16 militarily and politically”; and

17 (D) testimony by then Commanding Gen-  
18 eral of Marine Corps Combat Development  
19 Command Lieutenant General David Berger in  
20 April 2019 that peer adversaries of the United  
21 States seek “to create strategic dilemmas  
22 through fait accompli scenarios”.

23 (6) In March 2019, then Acting Secretary of  
24 Defense Patrick Shanahan testified that the imple-  
25 mentation of the 2018 National Defense Strategy

1 would ensure the United States has “the capabilities,  
2 ties, posture, and employment of forces” required to  
3 prevent a fait accompli by the People’s Republic of  
4 China.

5 (7) According to the Indo-Pacific Strategy Re-  
6 port, “[t]he National Defense Strategy implicitly ac-  
7 knowledges the most stressing potential scenarios  
8 will occur along our competitors’ peripheries”. An  
9 attempted fait accompli by the People’s Republic of  
10 China against Taiwan should therefore be expected  
11 to constitute a “most stressing” potential scenario  
12 for the United States Armed Forces.

13 (8) The National Defense Strategy Commission  
14 found that the United States Armed Forces must be  
15 postured “to deter and prevent a fait accompli by an  
16 agile opportunistic adversary” in order to compete  
17 effectively in the Indo-Pacific region and stated that  
18 “the United States must develop new operational  
19 concepts to achieve strategic advantage, including by  
20 addressing the ability of aggressive regimes to  
21 achieve a fait accompli against states on their pe-  
22 riphery,” in recognition of—

23 (A) the unique challenges to the United  
24 States Armed Forces posed by the employment  
25 of the fait accompli strategy by the Government

1 of the People’s Republic of China or another  
2 strategic competitor; and

3 (B) the consequent urgent need for new  
4 thinking and steady focus by the Department of  
5 Defense on ensuring the ability of the United  
6 States Armed Forces to prevent an adversary  
7 from using the fait accompli strategy to ad-  
8 vance its interests at the expense of those of the  
9 United States.

10 (9) Department of Defense strategic guidance  
11 and official statements underscore the essential role  
12 that denial operations will play in preventing a fait  
13 accompli by the People’s Republic of China against  
14 Taiwan, including—

15 (A) the incorporation in the National De-  
16 fense Strategy of the Global Operating Model  
17 that includes a “blunt layer” of combat-credible  
18 forward forces postured and employed to  
19 “delay, degrade, or deny adversary aggression”;

20 (B) the conclusion by the National Defense  
21 Strategy Commission that the Department of  
22 Defense must position “substantial capability  
23 forward” in the form of the “blunt layer” in-  
24 cluded in the Global Operating Model to “deter  
25 and prevent a fait accompli”;



1 (C) the statement for the record by the  
2 Commander of the United States Indo-Pacific  
3 Command, Admiral Phil Davidson, in April  
4 2018 in which he concludes, “[d]ue to the dis-  
5 tances involved in the Indo-Pacific, we cannot  
6 rely solely on surge forces from the continental  
7 United States to deter Chinese aggression or  
8 prevent a fait accompli. PACOM must maintain  
9 a robust blunt layer that effectively deters Chi-  
10 nese aggression in the Indo-Pacific”;

11 (D) the Joint Operating Concept for De-  
12 terrence Operations, which states that forward-  
13 deployed forces, such as those included in the  
14 blunt layer of the Global Operating Model and  
15 referenced by the National Defense Strategy  
16 Commission and the Commander of the United  
17 States Indo-Pacific Command, contribute to  
18 “denying benefits” and thereby reduce “the  
19 likelihood of an adversary achieving strategic or  
20 tactical surprise, thus helping to prevent adver-  
21 sary decisionmakers from concluding they  
22 might achieve a military fait accompli that  
23 could be extremely costly for the [United  
24 States] to reverse by force”;

1 (E) the United States Army Multi-Domain  
2 Operations concept document, which states that  
3 the Armed Forces must demonstrate the capa-  
4 bility “to immediately deny a fait accompli at-  
5 tack” in order to deter a near-peer adversary;  
6 and

7 (F) the Marine Corps Force Design 2030  
8 report, which states that forward-deployed  
9 forces “that can continue to operate inside an  
10 adversary’s long-range precision-fire weapons  
11 engagement zone (WEZ) are more operationally  
12 relevant than forces which must rapidly maneu-  
13 ver to positions outside the WEZ in order to re-  
14 main survivable,” and that such “stand-in”  
15 forces possess the capability to “attrite adver-  
16 sary forces, enable joint force access require-  
17 ments, complicate targeting and consume adver-  
18 sary [intelligence, surveillance, and reconnais-  
19 sance] resources, and prevent fait accompli sce-  
20 narios”.

21 **SEC. 4. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) the ability of the United States to uphold  
24 a free and open Indo-Pacific region would be se-  
25 verely compromised if the Government of the Peo-

1        ple's Republic of China were able to compel the uni-  
2        fication of Taiwan with the People's Republic of  
3        China, particularly if the People's Republic of China  
4        were able to do so by military force;

5            (2) the loss by the United States of the ability  
6        to maintain a free and open Indo-Pacific region  
7        would result in the significantly increased vulner-  
8        ability of the middle-class and working-class people  
9        of the United States and the allies and partners of  
10       the United States to economic coercion by the Gov-  
11       ernment of the People's Republic of China;

12           (3) the fate of Taiwan is therefore crucially  
13       linked to the fates of all countries in the Indo-Pa-  
14       cific region, including to the fate of the United  
15       States;

16           (4) under the Taiwan Relations Act (22 U.S.C.  
17       3301 et seq.), it is the policy of the United States  
18       to consider any effort to determine the future of  
19       Taiwan by other than peaceful means to be of grave  
20       concern to the United States;

21           (5) since 1979, the United States Government  
22       has consistently upheld the commitments of the  
23       United States under the Taiwan Relations Act (22  
24       U.S.C. 3301 et seq.);

1           (6) the National Defense Authorization Act for  
2 Fiscal Year 2020 (Public Law 116–92) reaffirms  
3 that the Taiwan Relations Act (22 U.S.C. 3301 et  
4 seq.) and the “Six Assurances” are the cornerstones  
5 of United States relations with Taiwan;

6           (7) the Taiwan Relations Act (22 U.S.C. 3301  
7 et seq.) further establishes the policy of the United  
8 States “to maintain the capacity of the United  
9 States to resist any resort to force or other forms  
10 of coercion that would jeopardize the security, or the  
11 social or economic system, of the people on Taiwan”;

12           (8) the Government of the People’s Republic of  
13 China appears to be developing the plans and capa-  
14 bilities required to use the fait accompli strategy to  
15 compel the unification of Taiwan with the People’s  
16 Republic of China, thereby jeopardizing the security  
17 and the social and economic system of the people of  
18 Taiwan;

19           (9) denial operations will have an essential role  
20 in any strategy to prevent a fait accompli by the  
21 People’s Republic of China against Taiwan; and

22           (10) implementation of the Taiwan Relations  
23 Act (22 U.S.C. 3301 et seq.) therefore requires the  
24 United States to maintain the ability to defeat a fait

1       accompli by the People’s Republic of China against  
2       Taiwan, especially by denial operations.

3       **SEC. 5. STATEMENT OF POLICY.**

4       It shall be the policy of the United States to maintain  
5       the ability of the United States Armed Forces to deny a  
6       fait accompli by the People’s Republic of China against  
7       Taiwan.

8       **SEC. 6. REPORT ON PROGRESS OF THE DEPARTMENT OF**  
9                                   **DEFENSE WITH RESPECT TO DENYING A FAIT**  
10                                  **ACCOMPLI BY THE PEOPLE’S REPUBLIC OF**  
11                                  **CHINA AGAINST TAIWAN.**

12       (a) IN GENERAL.—Not later than April 30 each year,  
13       beginning in 2021 and ending in 2026, the Secretary of  
14       Defense shall submit to the congressional defense commit-  
15       tees a report on the progress of the Department of De-  
16       fense with respect to improving the ability of the United  
17       States Armed Forces to conduct combined joint operations  
18       to deny the ability of the People’s Republic of China to  
19       execute a fait accompli against Taiwan.

20       (b) MATTERS TO BE INCLUDED.—Each report under  
21       subsection (a) shall include the following:

22                   (1) An explanation of the objectives for the  
23       United States Armed Forces that would be nec-  
24       essary to deny the fait accompli by the People’s Re-  
25       public of China against Taiwan.

1           (2) An identification of joint warfighting capa-  
2           bilities and current efforts to organize, train, and  
3           equip the United States Armed Forces in support of  
4           the objectives referred to in paragraph (1), includ-  
5           ing—

6                   (A) an assessment of whether the pro-  
7                   grams included in the most recent future-years  
8                   defense program submitted to Congress under  
9                   section 221 of title 10, United States Code, are  
10                  sufficient to enable the United States Armed  
11                  Forces to conduct joint combined operations to  
12                  achieve such objectives;

13                   (B) a description of additional investments  
14                   or force posture adjustments required to main-  
15                   tain or improve the ability of the United States  
16                   Armed Forces to conduct joint combined oper-  
17                   ations to achieve such objectives;

18                   (C) a description of the manner in which  
19                   the Secretary of Defense intends to develop and  
20                   integrate Army, Navy, Air Force, Marine  
21                   Corps, and Space Force operational concepts to  
22                   maintain or improve the ability of the United  
23                   States Armed Forces to conduct joint combined  
24                   operations to achieve such objectives; and

1 (D) an assessment of the manner in which  
2 different options for pre-delegating authorities,  
3 including authorities relating to kinetic strikes  
4 against targets on the mainland of the People's  
5 Republic of China, may improve the ability of  
6 the United States Armed Forces to conduct  
7 joint combined operations to achieve such objec-  
8 tives.

9 (3) An assessment of the role of the nuclear  
10 forces of the United States in deterring or defeating  
11 a *fait accompli* by the People's Republic of China  
12 against Taiwan, including concepts for—

13 (A) deterring limited use of nuclear weap-  
14 ons by the People's Republic of China in the  
15 Indo-Pacific region without undermining the  
16 ability of the United States Armed Forces to  
17 maintain nuclear deterrence at the strategic  
18 and theater levels against the Russian Federa-  
19 tion and the Democratic People's Republic of  
20 Korea; and

21 (B) ensuring the United States Armed  
22 Forces are able to continue combined joint op-  
23 erations to defend Taiwan in a nuclear environ-  
24 ment following nuclear weapons use by the Peo-  
25 ple's Republic of China or the United States.

1           (c) FORM.—Each report required by subsection (a)  
2 shall be submitted in classified form but may include an  
3 unclassified executive summary.

4           (d) CONGRESSIONAL DEFENSE COMMITTEES DE-  
5 FINED.—In this section, the term “congressional defense  
6 committees” has the meaning given the term in section  
7 101(a)(16) of title 10, United States Code.