

117TH CONGRESS  
1ST SESSION

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

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.

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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 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—

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

10 (B) encourage other countries, particularly  
11 United States allies and partners, to sell, lease,  
12 or otherwise provide appropriate asymmetric  
13 defense capabilities to Taiwan so as to facilitate  
14 Taiwan's rapid deployment of the asymmetric  
15 defense capabilities required to deter or, if nec-  
16 essary, defeat an invasion by the People's Re-  
17 public of China.

18 **SEC. 3. TAIWAN SECURITY ASSISTANCE INITIATIVE.**

19 (a) IN GENERAL.—The Secretary of Defense shall es-  
20 tablish an initiative, to be known as the “Taiwan Security  
21 Assistance Initiative” (referred to in this Act as the “Ini-  
22 tiative”), to accelerate Taiwan's deployment of asym-  
23 metric defense capabilities required to deter or, if nec-  
24 essary, defeat an invasion by the People's Republic of  
25 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

1 standards, and more rapidly than suppliers in  
2 Taiwan; and

3 (D) to undertaking the defense reforms re-  
4 quired to maximize the effectiveness of an  
5 asymmetric defense against an invasion by the  
6 People's Republic of China, including by im-  
7 proving organization, mobilization, and training  
8 of the reserve forces and other military per-  
9 sonnel of Taiwan.

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

17 (A) to spending an equivalent amount on  
18 asymmetric defense capabilities in the applica-  
19 ble fiscal year and upheld its commitment to  
20 spend an equivalent amount as the United  
21 States in the preceding fiscal year on asym-  
22 metric defense capabilities to be deployed by  
23 Taiwan;

24 (B) to spending not less than three percent  
25 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 siders 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.