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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

Mr. Hawley introduced the following bill; which was read twice and referred to the Committee on ______

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

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

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

and

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

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

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

(B) casting doubt on the ability and resolve of the United States to uphold its security commitments;

(C) incentivizing other countries in the Indo-Pacific region to bandwagon with the People’s Republic of China; and
(D) facilitating the formation of a regional order dominated by the People’s Republic of China in which the Government of the People’s Republic of China may—

(i) regulate or otherwise limit the ability of individuals in the United States to trade in the Indo-Pacific region, which would have dire effects on the livelihoods and freedoms of such individuals; and

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

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

(5) If Taiwan is unable to delay, degrade, and deny an invasion by the People’s Republic of China with limited support from the United States Armed
Forces, especially in the initial period of war, then the People’s Republic of China may conclude that it is, or may actually be, capable of—

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

(B) potentially rendering any attempt by the United States or any other partner country of Taiwan to reverse territorial gains by the People’s Republic of China prohibitively difficult, costly, or both.

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

(7) The deployment of such asymmetric defense capabilities by Taiwan would not only improve the ability of Taiwan to defend itself, but also reduce operational risk to members of the United States Armed Forces under a Taiwan contingency.
(8) The President of Taiwan, Tsai Ing-Wen, has—

(A) vowed to bolster the national defense of Taiwan and demonstrate Taiwan’s determination to defend itself so as to ensure that Taiwan will not be forced to take the path that the People’s Republic of China has laid out for Taiwan; and

(B) advocated the deployment of asymmetric defense capabilities.

(9) The Government of Taiwan has begun taking steps to improve Taiwan’s defenses, including by increasing Taiwan’s defense budget and through Taiwan’s new proposed special defense budget, but far more is needed, and quickly, to ensure that Taiwan is able to maintain a sufficient self-defense capability.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

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

(2) the United States has a strong interest in preventing the People’s Republic of China from in-
vading and seizing control of Taiwan, especially by ensuring that Taiwan is able to maintain a sufficient self-defense capability;

(3) the United States should establish a security assistance initiative so as to accelerate, to the greatest extent possible, Taiwan’s deployment of cost-effective and resilient asymmetric defense capabilities;

(4) the United States should provide such assistance on the condition that Taiwan—

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

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

(C) prioritizes acquiring cost-effective and resilient asymmetric defense capabilities as rapidly as possible, including from foreign suppliers, if necessary; and

(D) demonstrates progress on defense reforms required to maximize the effectiveness of its asymmetric defenses, with special regard to Taiwan’s reserve forces; and

(5) in the course of executing such a security 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.
(b) Authorization of Appropriations.—There is authorized to be appropriated $3,000,000,000 for the Department of Defense for each of fiscal years 2023 through 2027 to provide assistance to the Government of Taiwan under this section.

(c) Authority to Provide Assistance.—

(1) In general.—The Secretary of Defense, in coordination with the Secretary of State, shall use the funds authorized to be appropriated under subsection (b) to provide assistance to the Government of Taiwan for the purpose described in subsection (d).

(d) Purpose.—The purpose of the Initiative is to provide assistance, including equipment, training, and other support, to the Government of Taiwan so as to accelerate Taiwan’s deployment of asymmetric defense capabilities required to achieve, with limited support from the United States Armed Forces for the initial days, weeks, or months after the initiation of an invasion by the People’s Republic of China of Taiwan, the following objectives:

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

(2) To delay, degrade, and deny attempts by People’s Liberation Army forces to secure a
lodgment on Taiwan and expand or otherwise use
that lodgment to seize control of a population center
or other key territory in Taiwan.

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

(e) Asymmetric Defense Capabilities.—In this
section, the term “asymmetric defense capabilities” in-
cludes, in such quantities as the Secretary of Defense de-
termines to be necessary to achieve the purpose specified
in subsection (d), the following:

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

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

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

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

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

(6) Equipment to support target location,
tracking, identification, and targeting, especially at
the local level, in communications degraded or de-

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

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

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

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

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

(f) Availability of Funds.—

(1) Plan.—Not later than December 1, 2022,
and annually thereafter, the Secretary of Defense, in
coordination with the Secretary of State, shall sub-
mit to the appropriate committees of Congress a
plan for using funds authorized to be appropriated
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under subsection (b) for the purpose specified in
subsection (d).

(2) INITIAL CERTIFICATION.—Amounts author-
ized to be appropriated under subsection (b) for fis-
cal year 2023 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 fiscal year
2023;

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

(C) to acquiring asymmetric defense capa-
bilities as rapidly as possible, including from
suppliers in the United States or other coun-
tries, if the Secretary of Defense determines
that such suppliers will be able to provide such
capabilities at a reasonable cost, in sufficient
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
defense on an annual basis by the end of fiscal
year 2027, including expenditures under the
normal defense budget and any supplemental or
special defense budgets of Taiwan, and demon-
strated progress toward that spending target
in the preceding fiscal year;

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

(D) to undertaking the defense reforms re-
quired to maximize the effectiveness of an
asymmetric defense against an invasion by the
People’s Republic of China, including by im-
proving the organization, mobilization, and
training of the reserve forces and other military
personnel of Taiwan, and demonstrated
progress on such reforms in the preceding fiscal year.

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

(5) Remaining Funds.—

(A) In General.—Subject to subparagraph (B), amounts appropriated for a fiscal year pursuant to the authorization of appropriations under subsection (b) that are not obligated and expended during that fiscal year shall be added to the amount that may be used for the Initiative in the subsequent fiscal year.

(B) Rescission.—Amounts appropriated pursuant to the authorization of appropriation under subsection (b) that remain unobligated by the end of fiscal year 2027 shall be rescinded and deposited into the general fund of the Treasury.

(g) Defense Articles and Services From United States Inventory and Other Sources.—

(1) In General.—In addition to assistance provided pursuant to subsection (c), the Secretary of
Defense, in coordination with the Secretary of State, may make available to the Government of Taiwan, in such quantities as the Secretary of Defense considers appropriate for the purpose described in subsection (d), the following:

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

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

(C) Defense services.

(2) REPLACEMENT.—Amounts for the replacement of any item provided to the Government of Taiwan under paragraph (1)(A) may be made available from the amount authorized to be appropriated under subsection (b).

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

SEC. 4. LIMITATION ON CONVENTIONAL ARMS SALES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) historically, the Government of Taiwan has prioritized the acquisition of conventional weapons that would be of limited utility in deterring or de-
feating an invasion by the People’s Republic of China at the expense of the timely acquisition of cost-effective and resilient asymmetric defense capabilities;

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

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

(4) any future sales, leases, or other provision of conventional weaponry to Taiwan by the United States should be conditioned on meaningful progress by the Government of Taiwan on the acquisition of appropriate asymmetric defense capabilities.
(b) Statement of Policy.—For each of fiscal years 2023 through 2027, the United States Government shall not sell, lease, or otherwise provide military capabilities to Taiwan other than asymmetric defense capabilities described in subsection (e) of section 3 until the earlier of—

(1) the date on which the Secretary of Defense has submitted a notification under subsection (f)(4) of that section for the fiscal year in which the Government of Taiwan has requested the sale, lease, or other provision of military capabilities other than such asymmetric defense capabilities; or

(2) the date on which the Secretary of Defense certifies to the appropriate committees of Congress that the sale, lease, or other provision to Taiwan of military capabilities other than such asymmetric defense capabilities—

(A) is necessary to enhance the ability of Taiwan to deter or, if necessary, defeat an invasion by the People’s Republic of China; or

(B) will not slow, delay, limit, or otherwise detract from or undermine the ability of Taiwan to deploy such asymmetric defense capabilities.
SEC. 5. DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.

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

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

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representa­tives.