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H.R. 1838, THE TAIWAN SECURITY ENHANCEMENT ACT

MARKUP

BEFORE THE

COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES

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H.R. 1838, THE TAIWAN SECURITY ENHANCEMENT ACT

Tuesday, October 26, 1999

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
WASHINGTON, D.C.

The Committee met, pursuant to notice, at 10:30 a.m. in room 2172, Rayburn House Office Building, Hon. Benjamin A. Gilman (Chairman of the Committee) presiding.

Chairman GILMAN. The Committee on International Relations will come to order. Will Members please take their seats.

The Committee on International Relations meets today in open session, pursuant to notice, to take up H.R. 1838, the Taiwan Security Enhancement Act.

This bill was introduced on May 18, by the distinguished Majority Whip, the gentleman from Texas, Mr. DeLay, and a bipartisan group of Members, including myself.

It was referred by the Speaker to the Committee on International Relations and, in addition, to the Committee on Armed Services, for a period to be determined subsequently by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

The Chair lays the bill before the Committee.

The clerk will report the title of the bill.

Ms. BLOOMER. H.R. 1838, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

Chairman GILMAN. Without objection, the first reading of the bill is dispensed with. The clerk will read the bill for amendment.

Ms. BLOOMER. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, this Act may be cited as the——

Chairman GILMAN. Without objection, the bill is considered as having been read.

[The information referred to appears in the appendix.]

Chairman GILMAN. I have an amendment in the nature of a substitute at the desk. The clerk will report the amendment in the nature of a substitute.

Ms. BLOOMER. Amendment in the Nature of a Substitute offered by Mr. Gilman for himself and Mr. Gejdenson. Strike all after the enacting clause and insert the following:

Chairman GILMAN. I ask unanimous consent that the amendment in the nature of a substitute be considered as having been read and is open to amendment at any time.

Without objection, so ordered.

[The information referred to appears in the appendix.]

Chairman GILMAN. I will now recognize myself to speak briefly to the amendment in the nature of a substitute.

I am pleased to bring this measure before the Committee today for consideration. I want to thank the Majority Whip, Mr. DeLay of Texas, for introducing this legislation. I am also appreciative of the cooperation between the staffs of the Majority and the Minority and their work. We want to thank the Senate Committee staff, particularly Mr. Doran on Foreign Relations for his hard work in crafting this bill.

Along with Members of this body, I am increasingly concerned about China's security policy and military modernization efforts, including its burgeoning missile deployment opposite Taiwan, the purchase of advanced Russian fighters and submarines, Beijing's outright refusal to renounce the use of force against Taiwan, its overwrought saber rattling, and the deleterious effect all of this has had on regional stability.

We are also equally troubled by the Clinton Administration's handling of Taiwan policy in general, including the pressure it has unwisely placed on Taipei to come to interim agreements with the PRC regarding unification; its unwillingness to sell some defensive weapons systems to Taiwan, irrespective of China's military advances; its talk of a strategic partnership with Beijing, the Three No's; and the consequences these misguided actions have for peace and stability in the region.

The United States should, without question, continue to steadfastly meet its security commitments to Taipei as stipulated in the 1979 Taiwan Relations Act. This means assisting Taiwan in maintaining the balance of power across the Taiwan Strait in the face of the PRC's unprecedented military buildup. A failure to meet Taiwan's legitimate defense needs will make China's military dominance of the Taiwan Strait a reality. This would not be a welcome development in that part of the world.

A failure to provide for Taiwan's legitimate defense needs could lead to Beijing's misunderstanding of American interests, foster perceptions of Taiwanese defense vulnerability, increase the likelihood of Chinese miscalculation, and could ultimately lead to a conflict with our Nation over its adventurism.

Ensuring and enhancing Taiwan's ability to defend itself increases the prospects for continued peace and stability in Northeast Asia and also supports our national interests.

The Congress, in the absence of decisive Administration action, must act to make clear to Beijing that our Nation will continue its long-standing commitment to a peaceful resolution of the Taiwan issue. Accordingly, I support this legislation's efforts to enhance Taiwan's self-defense capability.

I am proud to be a cosponsor of the legislation. It has an impressive array of cosponsors on both sides of the aisle, and we look forward to bringing it to the Floor for consideration at an early date.

Those of you who have been following this bill know that the sponsors have been working diligently to accommodate the various concerns that have been expressed. Over a period of months, we have worked with Mr. Bereuter, Mr. Cox, and other independent Members to refine the language in the bill.

In addition, we have worked with Mr. Gejdenson and his staff to come up with the amendment in the nature of a substitute that is now before the Members of this Committee.

Mr. Gejdenson and I are pleased to offer the amendment which we believe represents a consensus position within our Committee regarding the future direction of U.S. security relations with Taiwan. The amendment preserves the essence of the bill as introduced. It no longer refers to sales of any specific weapons systems to Taiwan, but in other respects it is at least as strong, or stronger, than the bill as initially introduced.

It continues to mandate that extra positions be reserved for Taiwanese officers at U.S. military schools, that secure direct communications be established between our Nation and Taiwanese militaries for coordination in the event of a crisis, and that the Congress be kept fully and currently informed of the status of arms sales requests from Taiwan.

Mr. Gejdenson and I believe the amendment in the nature of a substitute will meaningfully enhance the security of both our Nation and of Taiwan. We strongly urge its adoption.

Do any Members seek recognition?

Mr. Gejdenson.

Mr. GEJDENSON. Thank you, Mr. Chairman. At the conclusion of my remarks, I am going to request that Stanley Roth, the Assistant Secretary, be given an opportunity, if it is OK with the Chairman, to express his concerns.

Mr. BEREUTER. Would the gentleman yield?

Mr. GEJDENSON. I will yield.

Mr. BEREUTER. I wonder if I might be allowed, as a Subcommittee Chairman, to make my remarks before Mr. Roth comes forward.

Mr. GEJDENSON. Without any doubt.

Chairman GILMAN. Without objection.

Mr. BEREUTER. Thank you.

Mr. GEJDENSON. Obviously, any other Member I think who would want to speak first, and then we would hear from the Administration.

I disagree with the Administration's conclusion, but I think they ought to have a chance to be heard. It is clear to me that, as in many parts of the world, there is a constant tension between democratic forces and nondemocratic forces. In my time in Congress, there was a time when Taiwan's representatives and people concerned about Taiwan could come to me and I would feel no great need to speak out on their behalf, because for a long time, Taiwan did not have democratic institutions. But today, on the island of Taiwan, we have a government that is a full-fledged democracy with opposition, with opposition press, and it is confronted by the largest totalitarian state in the world. I believe that Americans ought to stand up very squarely in favor of these democratic institutions.

Now, I understand the Administration's concerns that somehow this is going to enrage the Mainland and they will do something foolish. I think it would be a very foolish mistake for the Mainland to recognize our commitment to democratic institutions and our op-

position to tyranny as an excuse for some kind of military adventurism.

The Congress of the United States, I think, reflects the feeling of the American people that Taiwan has gone from being a nondemocratic nation to a democratic nation, to a nation that has free and open debates, and that ought to be the model for the Mainland, and not the reverse. It ought not be Taiwan that has to mimic the kind of tyranny that exists today, everyday, on the Mainland of China.

I believe the work the Chairman and others on this Committee have done on this resolution brings forward a balanced resolution that is not provocative but clearly states America's concern for the democratic people and the democratic institutions on the island of Taiwan. If the Mainland wants to have that kind of support in Congress, it seems to me that they can begin a process of establishing at least a minimum respect for human life, to stop trafficking in organs of murdered prisoners, and to start developing the democratic institutions that are clearly the direction for the planet.

So I support the legislation and commend the Chairman for his efforts.

Chairman GILMAN. Thank you, Mr. Gejdenson.

Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

I have some remarks that I hope my colleagues will follow, and that I hope, presumptuously, might provide some enlightenment here.

I think in my years here, except for legislation I have introduced, I have not spent more time on any other bill than on this legislation. I think that what we are doing here today is very important. I think it is the most significant action, in the foreign policy sense, that this Committee will take this year.

I think that one should not underestimate the sensitivity of U.S.-China relations when it comes to Taiwan, or the complexity and sensitivity of the relationship between the PRC and Taiwan. Those relationships, in combination, are very complex and problematic.

I came to Congress in 1979. A couple of months later, we passed the Taiwan Relations Act. I was not a Member of this Committee in my first or second term, but I do remember, of course, that there was a Democratic majority in both Houses of Congress and that the Carter Administration was in power. Yet Congress, on a bipartisan basis, decided it was important to enunciate its policy with respect to Taiwan. We had, as a result, in early 1979, the passage of the Taiwan Relations Act over the objections of the Carter Administration.

There is an extraordinary degree of support in this country for Taiwan. We have great respect and admiration for the advances that they have made in democracy and, of course, for their economic development as well. But we are particularly impressed with the changes that have taken place with regard to democracy in that country. It is the American policy that we expect any reunification of Taiwan with the PRC only by peaceable means. That is enunciated clearly, of course, in the Taiwan Relations Act.

There is, I would say—and we need to be candid about this—a high degree of scepticism about the Clinton Administration and

their handling of Taiwanese issues. We are probably at a low point in our relationship with the People's Republic of China in recent years. After spending a lot of time with Mr. Cox and Mr. DeLay, and some time with the Chairman, certainly a lot with his staff, I feel that the substitute offered by the Chairman and the Ranking Member answers most of the concerns that I had enunciated—not all of them, but most of them. I want to review some of those concerns to tell you why I think this is significant.

I thought that the original legislation was flawed in many ways. In fact, it was factually inappropriate at times. If Members have availed themselves of some of the most highly classified briefing materials, they would understand that certain aspects of the previous bill were not appropriate and, in fact, would create additional problems.

We have had a security agreement with Taiwan since 1954 that was, in large part, mostly reversed with the passage of the Taiwan Relations Act. There was a legitimate concern on the part of the Administration that the Chinese would think that we were, and in fact we were, trying to reimplement the Security Agreement of 1954. I think that we have made revisions, through the Chairman's substitute, which incorporate a lot of my effort, and the efforts of other Members as well, to eliminate reasonable attitudes that we are returning to the 1954 Securities Act. The findings sections, in my judgment, are factual now.

I want to call Members' attention specifically to pages 5 and 6, where we have subsections 15, 16, and 17. I admit a heavy hand in introducing these arrangements and these findings. They were not a part of the original act, although inherently they were a part of some of them.

I want to call my colleagues' attention to something Mr. Hastings and I witnessed when we were members of Speaker Gingrich's visit to the East Asia region. It was his first trip to that region and his first trip as Speaker. It was a bipartisan group, and you could, for example, ask Mr. Hastings, or the senior Democrat, Mr. Dingell, about what I am going to say. But I think that, despite all of the criticisms that some of my colleagues have had with the Speaker, it was generally thought that his visit to Asia was quite a success, that he said some things that needed to be said, and that they were appropriate in clarifying American policy.

For example, when we met with President Jiang Zemin, the Speaker said, based upon a resolution that the House had passed, that if China attacks Taiwan, the U.S. will come to Taiwan's defense.

Now, we have been accustomed to receiving a tirade on Taiwan from the PRC's highest officials for years, and we expected an hour and a half tirade there. However, President Jiang simply said, "We don't intend to attack," and we went on to other things.

Then when we visited Taipei a few days later, the Speaker said to President Lee that Taiwan should understand that the U.S. expects Taiwan not to take provocative actions for Taiwan domestic reasons. The message was very clear at that time. That was an appropriate kind of clarity, eliminating some ambiguity on where the Congress of the United States at least, stood.

You will see in section 15, subsection 15 on page 5, it says, and I am going to read this just so it is brought clearly to your attention, "It is in the national interest of the United States to eliminate ambiguity and convey with clarity continued United States support for Taiwan, its people, and their ability to maintain their democracy free from coercion and their society free from the use of force against them. Lack of clarity could lead to unnecessary misunderstandings or confrontations between the United States and the People's Republic of China, with great consequences for the security of the Western Pacific region."

Then, in section 16 it does go into the possible consequences of an ambiguity and the lack of clarity and suggests that that was one of the reasons, perhaps the primary reason, why the PRC, after President Lee's visit to the United States, conducted military exercises, including live fire exercises and two missile shots off the coast of Taipei.

Section 17 suggests where the Administration had made a significant error in judging the attitude of the American people and the Congress about our view that a person should be able to return for honors to their alma mater. The Chinese, given the assurance that President Lee would not be given a visa, found that the Administration changed the view and issued the visa, bringing about a confrontation that was dangerous.

I want to call your attention also to two of the areas where originally it was said, I think with cause, that we were returning to the 1954 mutual security agreement. Changes have been made in that area, and I think have answered those concerns wholly or largely.

Section 3, pages 6 and 7, relates to the training of Taiwanese military officers. This is substantially different from the original version, and I do want to call to my colleagues' attention the fact that Taiwan receives as large an allocation of slots in our military schools as any of our allies. When we call for additional positions, we say "make every effort to reserve additional positions." I do not agree with that. I thought it should have been worded slightly differently.

We can expect Israel, Greece, and other countries to come and say that they should have their quotas enlarged. All of that will come out of American personnel who are not receiving that training at West Point, Annapolis, or the Air Force Academy. So I do point that out to you. But we have changed this substantially. We do not talk about exchanges between general officers and other similar issues in this substitute version by the Chairman and the Ranking Member.

The other section that was particularly problematic and suggested we might be returning to the 1954 security agreement is related to communications. In section 5(d) on page 10, this has been modified, but it does, in fact, include, and will cause concern there is no doubt about it, an assurance certifying to the four appropriate committees in Congress that direct, secure communication exists between the armed forces of the United States and armed forces of Taiwan. That is not exactly how I would have written it, but it is a substantial change and improvement in that respect.

Finally, I wanted to say that one of my concerns, and the reason I have been, frankly, doing everything I could to delay this legisla-

tion until we could make amendments, modifications such as this substitute, is that I did not want to give the Chinese an excuse for failing to reach an agreement with the United States on WTO accession. Nor, frankly, I would say to my Democratic colleagues, did I want to give the President an excuse saying that Republicans were responsible by pushing this legislation, and, therefore, the President failed to get a WTO accession agreement.

The President should have agreed to Premier Zhu Rongji's commercially viable offer in April. He ignored the advice of his substantive advisors and went with his political advisors, allegedly because of concerns that would be brought to the attention and focus and front line again on Chinese espionage and on alleged contributions from Chinese entities to his presidential campaign. I believe that Congress would have given permanent NTR after considerable debate, and continue to believe that we should. But I think now it is clear that we are not going to have a WTO accession agreement between the United States and China, I say regretfully, before November 30, when the new multilateral trade round begins in Seattle.

Since Congress is about to adjourn, if we are going to take action on the Taiwan Security Enhancement Act, we have delayed it to the point where the excuse by the Administration that this action by us today, or on the House Floor later, is responsible for the failure of the Chinese and the U.S. to get together on a WTO accession agreement won't wash.

I thank my colleagues for listening, and I appreciate the extra time, Mr. Chairman.

Chairman GILMAN. Thank you, Mr. Bereuter, and you got a little extra time because you did not have the opportunity to take it up in Subcommittee.

Mr. Lantos.

Mr. LANTOS. Thank you, Mr. Chairman.

I have a great deal of difficulty with this piece of legislation.

Let me stipulate at the outset that I welcome some of the changes which the authors have incorporated, because they make specific provisions of the proposed legislation somewhat less objectionable. But I still believe that this is a piece of legislation which is unneeded, counterproductive, and while it does have some Democratic support, I don't think it is quite accurate to refer to it as a bipartisan piece of legislation. As the Ranking Democrat on the Asia Subcommittee, I have chosen not to support the legislation, and I would like to explain why.

The fundamental underlying assumption of this legislation is that the Taiwan Relations Act is not working, it needs to be fixed, and this is the way to fix it. Precisely the opposite is true. The Taiwan Relations Act has worked extremely well for 20 years, it is working well today, and I believe that this legislation was fundamentally crafted for partisan political reasons and not because the objective conditions surrounding our relations with Taiwan, China, or any other area in Asia required it.

Let me be specific. Several of my colleagues have spoken with high praise concerning the elimination of "ambiguity." I trust I need not remind anyone that the use of creative ambiguity is as old as diplomacy itself, and to eliminate ambiguity is not a virtue. To

eliminate ambiguity creates rigidities which the very fluid nature of this issue clearly does not call for.

Now, I probably have developed, over the last 2 decades, the reputation of being one of Taiwan's strongest supporters in this body, and I am very proud to have that reputation. I am somewhat amused that the amended proposal and my colleague's observations—Mr. Bereuter's observations—refer to legislation that I introduced in this body on page 6, point 17.

This is what the improved version says: "An earlier consequence of such ambiguity and lack of clarity was the expressed surprise by the People's Republic of China that Congress and the American people fully supported President Lee Teng-hui's private visit to his alma mater, Cornell University, necessitating House Concurrent Resolution 53, approved by the House of Representatives by a vote of 390-to–0 on May 2, 1995, and by the Senate by a vote of 97–to–1 on May 19, 1995, which stated such support explicitly."

Mr. Chairman, I would appreciate you turning off the light. If the Chairman of the Asia Subcommittee could speak without time limit, I wish to do so as well.

Chairman GILMAN. Mr. Lantos, we gave extra time to Mr. Bereuter because his Subcommittee——

Mr. ACKERMAN. Mr. Speaker, parliamentary inquiry.

Chairman GILMAN. Will the gentleman withhold?

The Subcommittee did not have an opportunity to take it before the Subcommittee. We have quite a bit of discussion on this this morning, and I will extend to you an extra minute. Please try to be brief.

Mr. LANTOS. Mr. Chairman, I want to remind you that the—.

Mr. BEREUTER. Mr. Chairman.

Mr. ROHRABACHER. Mr. Chairman.

Chairman GILMAN. Mr. Rohrabacher.

Mr. ROHRABACHER. I would ask unanimous consent to give Mr. Lantos an extra 2 minutes.

Mr. ACKERMAN. Mr. Chairman, parliamentary inquiry.

Chairman GILMAN. The gentleman has a parliamentary inquiry. Please state it.

Mr. ACKERMAN. My parliamentary inquiry is, should not the Ranking Member of that same Subcommittee through which this legislation escaped without notice also be granted the same amount of time as the Republican nonpartisan Chairman?

Chairman GILMAN. It is not a proper parliamentary inquiry. I will be pleased to extend additional time to the gentleman from California, Mr. Lantos.

Mr. LANTOS. Thank you, Mr. Chairman.

When I read on the front page of the *New York Times* that the Administration was denying the President of Taiwan a visit to his alma mater, I went through the roof, because I do not view this country as a place where a distinguished leader of an important country who received his Ph.D. at Cornell and is reinvited to Cornell to receive an honorary doctorate should not be allowed to enter the United States and visit his alma mater. I was delighted to see that my colleagues, by a vote of 390–to–0, agreed with my position. This was very helpful, because it pointed out to the Chinese that the Administration has limits as to what it can agree to, and the

Congress has a voice in determining our policy vis-a-vis Taiwan, China, or any other place.

Now, I have no doubt in my mind that the genesis of this legislation is politically designed to embarrass the Administration, which I don't think is an objective which is in the national interest. If I felt that there would be a need for fixing the Taiwan Relations Act, I would be happy to support provisions to strengthen it. I believe that this legislation makes the Taiwan Relations Act less effective. It mandates making private military discussions between Taiwan and ourselves public. It mandates reports that are unneeded, redundant, unnecessary, and I believe it dramatically circumscribes the flexibility needed by this, or any future Administration, in conducting our foreign policy in this unbelievably delicate arena of U.S.-China-Taiwan relations.

My hope, Mr. Chairman—and I realize I may be on the nonprevailing side—my hope is that, both here and on the Floor, we will have a full discussion and debate on this issue.

My commitment to Taiwan's security is unshakeable. We have made that clear. We mobilized the fleet to make that clear, and that mobilization had my full support. But I believe that we are in danger of expressing positions which undermine our ability to conduct U.S. foreign policy. This piece of legislation does not stand by itself. We are not paying our United Nations' dues. We are attempting to undo the Antiballistic Missile Treaty. We are now creating an unnecessary new problem with the Chinese. We have plenty of problems with the Chinese, many of them, most of them of their own making. But I believe that this piece of legislation is ill-advised, unneeded, and politically motivated, and I shall vote against it.

Chairman GILMAN. The gentleman's time has expired.

Mr. Salmon.

Mr. SALMON. Thank you, Mr. Chairman. I appreciate the opportunity to speak.

First of all, I would like to congratulate the Chairman of the Subcommittee for working diligently to improve the language in this piece of legislation. But I would also like to associate myself with the comments of the gentleman from California, Mr. Lantos.

I think that I, for one, agree with your statement that when it comes to Taiwan's security your credentials are impeccable and nobody would ever question your commitment to peace in that region.

I also have to wonder aloud, though, at the rationale for this piece of legislation at this time. I think that, while it is improved, I agree with Mr. Lantos that I believe that the upshot of passage of this legislation would actually be counterproductive, and I have been instructed by various Members of the Committee staff that Taiwan's TECRO has not asked for this legislation, so I have to wonder what the motives behind the legislation at this particular time are as well.

Mr. Lantos, you have your speculation, I hope that is not the case, but I cannot understand the rationale at this given point in time. When the relationship in that region, with the bilateral relationship with China at an all-time low, I think that we have a responsibility to do everything that we can, first, to try to bolster that relationship, not giving away anything. I think that my sup-

port of Taiwan—every time that we have had a vote supporting Taiwan's defense, our alliance with Taiwan, in the 5 years that I have been here, I have been there every single time. On your measure to let Lee Teng-Hui visit his alma mater, I was there. I have been there every single time. I was a missionary in Taiwan from 1977 to 1979. I love those people. This is not about support or no support of Taiwan. This is about common sense, and this is the wrong time for this piece of legislation.

I really believe that the Administration will raise some valid points. This comes at a time when I think we could push things over the edge. I have been in repeated conversations with TECRO, as well as the Chinese embassy. They have all assured me that there is no threat of China attacking Taiwan unless Taiwan out and out votes for independence, and I do not think that is going to happen. But I will go back and say that I think that, as Mr. Bereuter mentioned with the Speaker's trip, we have to be frank with both sides.

When I went to China 6 months ago to visit Tibet and to work on issues regarding His Holiness the Dalai Lama and Jiang Zemin, to try to get the two to talk and work toward a peaceful resolution there, the issue came up of support for Taiwan. I told the Minister of Foreign Affairs in China that our support of Taiwan is unequivocal. If they attack Taiwan, we would be their defender.

I think that the Taiwan Relations Act is clear. It is not necessary to change it at this time. It has worked well for the last 20 years, and I think that this is counterproductive. But at the same time, while we tell our friends in China that if they attack Taiwan we are there to defend, we also need to be plain-spoken with the President of Taiwan and tell him to not make irresponsible comments and talk about a state-to-state relationship. That does not foster a positive trilateral relationship, so we have to be forthright with both sides.

I congratulate you, Mr. Lantos. I thought I was going to be a pariah here today. I appreciate the fact that I think like you, because I have immense respect for your command of foreign policy. I intend also to vote against this bill, not because I don't support Taiwan, but because I do.

Thank you.

Chairman GILMAN. Mr. Brown.

Mr. BROWN. Mr. Chairman, thank you.

While I am pleased this Committee is considering legislation to better enable the people of Taiwan to defend themselves from outside aggression, I think we all recognize the long-term solution to solving this problem is not whether we give them more bombs or more tanks or more missiles. After all, Taiwan has the best security guarantee in the world, that being the U.S. 7th fleet, our hoard of intercontinental bombers, the 7,000 or so nuclear warheads at our disposal, and, as the news events of the last day have shown, the assistance of a $280 billion U.S. defense budget.

Because, regardless of how many times the White House tells China's dictators it respects the so-called "One China" policy, the realities of the Taiwan Relations Act, the law of the land, require us to come to Taiwan's aid if it is attacked by China. So, no matter how many threats the PRC makes, no matter how many missiles

it shoots across the Straits of Taiwan, or no matter how many ships or planes it buys from Russia, the simple fact is that a Chinese attack against Taiwan would be, under U.S. law, the same as attacking the United States.

But if we keep telling China's dictators that we support their claim to Taiwan, if we keep telling them it is OK not to renounce using force against Taiwan, then we are creating a monster.

Mr. Chairman, I support H.R. 1838. However, while I appreciate the effort that you, Ranking Member Gejdenson, and Mr. Bereuter have put into this legislation, I think we know that the best way to help Taiwan is not by reaffirming our commitment to its security or instructing the White House to give it missiles and ships. If we really want to guarantee the long-term health and security of Taiwan, and the thousands of our servicemen and servicewomen that are serving in East Asia, we need, then, to recognize the obvious, and quit alienating Taiwan from the international community simply because China says it is not a state.

Taiwan's 22 million people have built a thriving, prosperous democracy that respects the rule of law and the human and political freedoms of its people. Its economy, as we know, is one of the most advanced in the world, and by every measure it should qualify that nation for membership in the World Trade Organization, the World Health Organization, and a variety of other international organizations.

Despite all of Taiwan's qualifications for statehood, and despite the reality that its people do not want to live under the autocratic rule of China's Communist masters, we still cannot bring ourselves to face the obvious. Not because we do not think that Taiwan deserves to be a state, but because in this institution and in the Administration we too often cater to a regime that shows nothing but contempt for internationally recognized human political rights and for the rule of law. Many of the same Members of Congress, including the prime sponsor of this bill, who speak out strongly for arms to Taiwan, turn around and lead the charge and twist the arms of Members, then turn around and lead the charge and twist the arms of Members to support Most Favored Nation status for China.

With that, Mr. Chairman, I urge my colleagues to support H.R. 1838, but I also urge that we throw the One China policy in the scrap heap of Cold War ideals, and quit affording China's dictators more rights than we do our sister democracy in Taiwan.

Chairman GILMAN. Thank you, Mr. Brown.

Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman.

I rise in strong support of the Taiwan Security Enhancement Act. I disagree, and strongly disagree, with my good friend, Mr. Lantos, and I find his analysis to be serious and not at all delusional.

So, with that said, Mr. Chairman, the Taiwan Security Enhancement Act sends a necessary signal to Beijing, and to the Executive Branch, that the Congress supports the Republic of China and Taiwan. Indeed, if those in the Administration responsible for implementing the original Taiwan Relations Act had performed their responsibilities in good faith, the Taiwan Security Enhancement Act would not be necessary. Unfortunately, the Executive Branch's

major concern in dealing with Taiwan's security requirements has been, and seems to be, keeping China happy, even if that means denying Taipei items that are deemed, even by our own military, to be necessary for Taiwan's security, even though, as we know, the Taiwan Relations Act makes that perfectly acceptable, and it is part of the agreement to provide defensive weapons systems to Taiwan.

The PRC now refuses to renounce the use of force, and in recent years has built up its military forces, particularly its ballistic missiles aimed at Taiwan. It is the Communist Chinese who are threatening military action and, thus, threatening world peace. We need to restate and reconfirm our determination to see that Taiwan has what it legitimately needs as an adequate defense and, thus, an adequate deterrent.

We ask for trouble when America is ambiguous. If we are ambiguous on this point, we send a wrong message to decisionmakers of a very powerful country who may be hostile to our own interests, and are certainly hostile to what we view as what is necessary for peace in the Pacific. Unless Taiwan has a credible self defense capability, as envisioned by the Taiwan Relations Act, we are promoting instability, and increasing the chances that Beijing will employ force against Taiwan which will drag in the United States to a conflict that we do not need to have, and we do not want to have.

This is why I support the Gilman amendment to this bill. There are several provisions in this bill that address our lack of contact with Taiwan's military. Although mechanisms exist for making arms sales and providing Taiwan intelligence within the framework of our unofficial relationship, there has never been a provision for assisting Taiwan's military on operational matters and field training exercises. The Department of State and others in the Administration forbid such contact. This bill seeks to remedy that shortcoming.

The same is true for direct communication links. Direct communication between Taiwan and CINCPAC is not a political question but a military necessity. This bill will open up those vital communications links that could save American lives in the future.

For example, this bill, on page 9, opens up contact with "senior" American officers with their Taiwanese counterparts. Today, our generals and admirals cannot work together with the Taiwanese, with their Taiwanese counterparts, to develop plans which will serve as a deterrent to Chinese Communist military action. They should be developing plans, because that deterrent is important to save American lives and maintain peace.

Much the same is true in the area of missile defense. The leaders in Beijing are particularly agitated by the idea that we might provide Taiwan's military with information on military launches headed in their direction. Well, why shouldn't the Taiwan military get this data about incoming missiles? For Pete's sake, if the Chinese were sending missiles in that direction, they have already broken the peace, and why can't the United States play a role in providing this vital information, thus ensuring that there is a deterrent to that type of action on the part of China? The only answer that the Administration can give us is that they are afraid that Communist China will be upset if we make that our policy.

America needs to clearly state our positions and our commitments concerning the Republic of China on Taiwan, and what we intend to do, or not to do, in the Pacific. The Taiwan Security Enhancement Act does just that, and is a reminder to our own officials and to Beijing that U.S. policy, as determined by the Taiwan Relations Act, is to be crafted by both the Administration and the Congress. Congress needs to play a role and not just leave this up to the Executive Branch.

I urge my colleagues to support the bill, which will push American policy toward a more realistic stance to address most of the serious challenges we confront in the Pacific today, or the most serious challenge, I should say, that we confront in the Pacific, and perhaps the world.

[The statement of Mr. Rohrabacher appears in the appendix.]

Chairman GILMAN. Thank you, Mr. Rohrabacher. The gentleman's time has expired.

Mr. Berman.

Mr. BERMAN. Thank you very much, Mr. Chairman. I do want to commend you and Mr. Gejdenson, and Mr. Bereuter, for your work on the substitute. I think you have put together a better piece of legislation.

But I do want to take some objection to your opening statement, because as you lauded the bipartisan consensus that exists behind this revised piece of legislation, you made an attack on the Administration that I don't think was well-founded, in point of fact, and could have been straight from Republican Congressional Campaign Committee talking points, to essentially try and set up a political issue for the next election campaign. That is a serious charge, but I say it with some consideration and with the belief that it is really true.

We can't put together these bipartisan initiatives and then watch people try to use those initiatives to launch into partisan-based attacks. It doesn't augur well for the future of bipartisan work on foreign policy.

Mr. Chairman, when you say in your opening statement that the Administration forced and pushed Taiwan to reach some specific agreement with China, what is the specific agreement? What fundamental interest of Taiwan's did the Administration push Taiwan to agree to with the Chinese? If you are going to make the allegation, then justify it with some specificity. It is a very serious charge. We are owed, the public is owed, the Administration is owed, an explanation of what the thinking is.

Chairman GILMAN. Will the gentleman yield?

You will recall in my statement I said it is pressure that was unwisely placed on Taipei with regard to unification, unwillingness to sell some defensive weapons systems to Taiwan, irrespective of China's military advances. It was talk of a strategic partnership with Beijing, and the Three No's, and the consequences.

Mr. BERMAN. Mr. Chairman, you have left out a part of your statement. You said in your statement, put undue pressure on the Taiwanese to reach agreements, to reach certain agreements with the Chinese. I want to know what agreements we asked them to——

Chairman GILMAN. If the gentleman will yield, the language that I used was the Administration's handling of Taiwan policy in general, including the pressure it has unwisely placed on Taipei to come to interim agreements.

Mr. BERMAN. Yes. Which agreements?

Chairman GILMAN. Then I went on to indicate some of those agreements.

Mr. BERMAN. No, you didn't. You went on to indicate other issues with Taiwan policy.

But my point is, while there is no doubt that this Administration encouraged strong cross-straits dialogue and the effort to achieve agreements that Taiwan would consider to be in their interest, I am unaware of any specific agreement or concession that this Administration asked Taiwan to make in the context of negotiating agreements with the Chinese.

In a way, the gentleman from Ohio raised the right issue. This resolution seeks to reaffirm that which I think most people know, and the Speaker articulated very clearly back in 1996 in Beijing, that the United States is prepared to support Taiwan should it come under attack.

What the gentleman from Ohio seeks to do is to fundamentally challenge the One China policy. If that is the goal here, then why not say that is the goal, instead of making into a contentious partisan issue that which, I think, there is a broad consensus to agree with.

I am going to read something the Administration probably would not like to hear, but it is from the *L.A. Times*, dated July 24, 1999, and I have never heard any disassociation of it: "Over the past 3 years," Jim Mann writes in this issue of the *L.A. Times,* "the Clinton Administration has quietly forged an extensive military relationship with Taiwan, authorizing the Pentagon to conduct the kind of strategic dialogue with Taiwan's armed forces that had not been permitted by any previous Administration since 1979"—and if I recall, that is two Reagan Administrations and one Bush Administration—"according to U.S. and Taiwanese sources."

The fact that some things aren't done with all of the public fanfare that they might be done with, all U.S. policy doesn't have to be Rohrabacher in a China shop.

Mr. ROHRABACHER. Would the gentleman yield?

Mr. BERMAN. I would be happy to yield.

Mr. ROHRABACHER. I think that this is an excellent point. Again, even though I disagree with it, it is not delusional. Let me just say to my good friend, we have a difference in approach of how to maintain the peace.

Mr. BERMAN. I know.

Mr. ROHRABACHER. In fact, what you just stated, I think, is a formula for war with Communist China. Here we are strengthening our ties below the visual level, while giving a different impression to the Communist Chinese decisionmakers in Beijing. There is no excuse for that type of policy. That leaves them with the wrong impression of where we stand, and could lead to conflict, couldn't it?

Mr. BERMAN. The fact is, though, as Chairman Bereuter mentioned, as has been clear from press statements, as is clear in our response to the missile crisis back in 1996, to that which Mr. Lan-

tos talked about, the U.S. interest in not letting China threaten Taiwan's existence, I think, has been pretty clear, and I don't think——

Mr. ROHRABACHER. But what you just described is—.

Chairman GILMAN. The gentleman's time has expired.

Mr. BERMAN. Thank you, Mr. Chairman.

Chairman GILMAN. Mr. Campbell.

Mr. CAMPBELL. Thanks, Mr. Chairman.

I have a few words, but before I do—so don't slam the gavel down when I am done—but I have a parliamentary inquiry to know the following: What I am tending toward is that, if I have to vote on this, I will vote yes, but that I would rather we not bring it up. So I am going to ask you and your counsel, what is the correct parliamentary procedure for me to make a motion, and at what time, to what we would say is move to table or to postpone? Could I yield to the Chairman to inform me how I would make such a motion and at what time?

Chairman GILMAN. We will take that under advisement, and we will discuss it with our Parliamentarian.

Mr. CAMPBELL. All right. Let me reclaim my time, and I will try to get counsel to find out how to do that.

Here is my take. I think it is essential that we be clear that if Mainland China attacks Taiwan, we defend Taiwan. I think there is an element of uncertainty on that point right now in the following setting: If the attack comes following a unilateral declaration of independence by Taiwan, it is ambiguous, by my lights, whether the United States defends Taiwan. Incidentally, I base that on the talks that we had, Mr. Chairman, when I was privileged to travel with you to Asia this summer, and that is the impression I got from talking with leaders of other states in the region.

I would like to make that very clear, that whatever the premise for an attack by Mainland China on Taiwan, we defend Taiwan, even if that is in response to unilateral declaration.

Mr. DELAHUNT. Would the gentleman yield for just a second?

Mr. CAMPBELL. I will be happy to yield, if you make it very short.

Mr. DELAHUNT. I think that is a very good question, and I think we should be very clear, because this is of such grave consequence. The language on page 6, lines 2, 3, and 4, "should assist in defending them against invasion, missile attack, or blockade——

Mr. CAMPBELL. I thank the gentleman.

Mr. DELAHUNT [continuing]. By the People's Republic of China", and that causes me concern.

Mr. CAMPBELL. Reclaiming my time, I thank the gentleman for his helpful intervention.

I want to say this to my dear friend—San Mateo County, and San Francisco, of course, and the City and County of San Francisco—that once in a while ambiguity is hurtful. I think of Dean Acheson and April Glaspy, right? One from each party. I don't know what party they are from, but each from different Administrations. The comment that maybe Korea was outside of the protective zone of the United States may have given incentive to North Korea, the comment that the Iraq-Kuwait issue was a border issue, and may have given incentive to Saddam Hussein, I don't know,

and there is debate over that. So if we make it clear, any attack on Taiwan by Mainland China we will defend, that helps, that helps. As my good friend from Massachusetts says, or blockade, which is an act of war, a blockade is an act of war.

But I am really troubled that we bring it up right here and now. There is no area in the world I can think of, maybe North Korea would be the only other one, where there is a potential of a shooting war greater than this. Are we wise—are we wise to weigh in right now?

So my feeling is no. If I must vote, I vote yes, because of the clarity that the gentleman from Massachusetts referred to, because of my sense that if this goes down, it will send a worse message. If this goes down, it might send a message that we are not standing with Taiwan. But I am not yet convinced that we need to bring this up, and so at the right time I would like to make whatever the appropriate motion is to table or to postpone.

I thank the Chairman. I invite his advising me of that right moment.

Chairman GILMAN. The gentleman's time has expired.

Mr. LANTOS. Mr. Chairman, parliamentary inquiry. May I inquire as to what the Parliamentarian's decision is as to the appropriateness of Mr. Campbell's tabling motion?

Chairman GILMAN. We are exploring that with the Parliamentarian right now, and we will make a decision on that very shortly.

The Chair would also like to inform Members of the Committee that we intend to report this measure by roll call vote at the conclusion of our debate.

I now recognize Mr. Ackerman.

Mr. ACKERMAN. Thank you, Mr. Chairman.

Despite the way it started, this has been one of the most interesting and substantive debates and discussions that we have had. I do wish to congratulate Mr. Bereuter for his opening statement. I thought it was very thoughtful, and there was little, if anything, that he said that I might disagree with.

Also, I want to agree and associate myself with the remarks of Mr. Lantos, who, as usual, very succinctly summed up the thoughts of a great many of us, and I include myself in that area, especially thinking about what could the motivation of this be, and listening to the usual, unfortunately, usual partisan attacks on the Administration when we talk about a foreign policy issue.

Like my friend Mr. Berman, I, too, wrote down, listening to the Chairman's opening statement, trying to figure out what the heck was meant by undue pressure, and I wrote those words down, and I am sure that if you search through your statement and read it again, Mr. Chairman, you might just find it. You said undue pressure. I had no idea what you were talking about. But when charges are made of that serious a nature, charging the Administration with doing something provocative, I think people, especially people in the positions of Members of Congress, should be prepared to back up what they say.

The other thing that you said, three times during your statement, and I only wrote it down once, but you said it three times, the failure of the Administration to meet Taiwan's legitimate defense needs. You said that three times.

I am unaware, Mr. Chairman, of any request made by the Taiwanese to the Administration for their defense needs that was turned down by the Administration. So I would be glad to yield to you, Mr. Chairman, if you would like to be specific and explain to me what request the Taiwanese made that was turned down?

Mr. BEREUTER. Would the gentleman yield?

Mr. ACKERMAN. I would prefer the Chairman to answer, if he has any.

Chairman GILMAN. Were you addressing your inquiry to me or to Mr. Bereuter?

Mr. ACKERMAN. Chairman Gilman, yourself.

Chairman GILMAN. I am sorry, we have been involved in a parliamentary inquiry. Would you restate?

Mr. ACKERMAN. Yes, if it does not take from my time to repeat it. You criticized the Administration three times by using the phrase, failure to meet Taiwan's legitimate defense needs. My question, Mr. Chairman, is what request did Taiwan ever make, ever make, ever make to the Administration that was turned down? I am unaware of any.

Chairman GILMAN. Let me recite to you, there was a request for submarines by Taiwan which the Administration turned down; there was a request for early warning radar which the Administration turned down——

Mr. ACKERMAN. If I might reclaim my time.

Chairman GILMAN [continuing]. Long-range missiles, that was requested.

Mr. ACKERMAN. If I might reclaim——

Chairman GILMAN. Air defense missiles.

Mr. ACKERMAN. If I might refresh the Chairman's recollection, there were discussions about that, but no request for them was ever made, and none was ever formally turned down by the Administration.

Chairman GILMAN. That is not my understanding, Mr. Ackerman. It is my understanding that there were requests, and the Administration did not act positively.

Mr. ACKERMAN. I would make a unanimous consent request that the record be kept open so that the Chairman might submit for the record the copy of those requests.

Chairman GILMAN. We will be pleased to do that.

[Note: This information is classified.]

Mr. ACKERMAN. This Administration has been very supportive of Taiwan, as has this Congress. We all know that. We know that there has been no lack of—no ambiguity in the response of the Administration. After President Lee Teng-Hui's visit to Ithaca, New York, the Chinese did lob missiles toward Taiwan. The Administration responded by sending two aircraft career battle groups. I don't know what more positive indication the Chairman or anybody else would like to see about our commitment.

On the other hand, I will vote for this. I think that inasmuch as it has been brought up, inasmuch as the major concerns such as the explicitness of the—.

Chairman GILMAN. The gentleman's time has expired.

Mr. ACKERMAN [continuing]. Of the material has been taken out and compromised, which were the major concerns that most of us

have, we should be more concerned with how we treat democratic nations than worrying about the reaction of dictatorships who might throw a temper tantrum in order to modify our behavior.

Chairman GILMAN. The gentleman's time has expired.

Mr. Houghton.

Mr. HOUGHTON. Thank you very, very much, Mr. Chairman.

Mr. Chairman, I would favor Mr. Campbell's motion to table and, absent that, then I am going to vote against this thing.

Just very briefly, I think one of the things that characterizes this country always, is what works? What works? The Taiwan Relations Act has worked.

Let me tell you about a conversation I had with Henry Kissinger several years ago. When he was going over to China and submitting the agenda of President Nixon and then the Chinese submitted their agenda and then they, of course, compromised on this and came up with a total one, which was ultimately the agenda for the meeting, he was amazed, because of all of the histrionics and all of the flamboyant statements in the paper, that the item of Taiwan was about 18th on the list of 20, and he said, why is this? They said, the only thing we ask of you is do not embarrass us publicly on Taiwan. We do not intend to attack. That is not our intent. We already have the concept of the One China policy. Just don't embarrass us.

So I really feel that this tough guy, make-it-clear, spell-it-out, let-them-have-it-straight approach, is wrong. It is wrong and it is insensitive to the conditions of the times, particularly when we are trying to establish a greater relationship with China, understanding the Taiwanese people know exactly what we are doing. Therefore, I would not support H.R. 1838.

Thank you.

Mr. BEREUTER. Will the gentleman yield?

Mr. HOUGHTON. Yes.

Mr. BEREUTER. I thank the gentleman for yielding on his time.

I just did want to make it clear that, having listened to every classified briefing necessary to understand the weapons issue, I think I can say with confidence that the Administration has met all requests from the Taiwanese and, in fact, has gone beyond that in some instances. I want to say to the gentleman from New York, Mr. Ackerman, I think he is right in this respect.

For example, one of the things frequently mentioned was diesel-powered submarines. We haven't produced a diesel-powered submarine in this country for over 2 decades, and the U.S. Navy will resist any commercial entity producing them because they don't want to see them in their inventory at any time in the future. This is not something that we can address directly.

The Deputy Assistant Secretary of Defense—the chief negotiator with respect to arms issues out in the audience—Mr. Campbell, and I have tried to arrange classified briefings for everyone who wants to hear, but, on this issue, I think the Administration cannot be criticized.

Mr. ROHRABACHER. Mr. Chairman.

Chairman GILMAN. Mr. Rohrabacher.

Mr. ROHRABACHER. Just to back up the Chairman's statement, I have been to Taiwan on numerous occasions, and I have had some

very serious discussions with the Executive Branch and the military in Taiwan, and I am sorry Mr. Bereuter has not had these same discussions.

I want to make sure, Doug—I want to make sure I am commenting on what you had to say, Doug, so I want to make sure I am not doing it without you being able to hear. I am making a comment on what you just said, and I want to make sure you understand.

Having been to Taiwan on numerous occasions, and having been in direct consultation with the highest levels of the Taiwanese government and the Taiwanese military, on numerous occasions they have talked about weapons systems they would like from the United States. This is their way of making a request. Just to be specific with you about it, how about an upgraded missile defense system which they have repeatedly requested in an unofficial way, and this Administration has repeatedly turned them down in that request?

Mr. BEREUTER. Will the gentleman yield?

Mr. ROHRABACHER. I yield.

Mr. BEREUTER. I cannot talk to you in this setting on that issue.

Chairman GILMAN. Mr. Sherman.

Mr. SHERMAN. Thank you, Mr. Chairman.

I don't think that this ought to be pictured as a Democrat versus Republican issue. I note that in general, Congress has been more pro-Taiwan than has any Administration. President Bush has made some statements in favor of Beijing that I think go beyond anything the current President has said, and it is not surprising that in a discussion where American values and support for democracy are on one side, and the geopolitics of getting along well with big, powerful countries might be on the other side of the argument, in every case I can identify where there is a tension between those two principles. Administrations and State Departments tend to be more deferential to powerful nations and to the geopolitical interests as they see them, and the Congress has been the repository of American support for democratic values.

I think this is good legislation. I would point out that Taiwan is secure in its friendship with the people of the United States, and has apparently abstained from a nuclear weapons development program. One can only imagine what a Taiwan, feeling it had been abandoned by the United States, would feel it necessary to do.

I would disagree with my colleague from Orange County when he argues that our military-to-military contacts are somehow secret, and discordant, and hidden from Beijing. I am confident that they are able to purchase copies of the Los Angeles Times, and I know that the article that Mr. Berman referred to in the Los Angeles Times could not have been written, except for the purpose, and with the consent of the Administration, with the purpose of letting the world know that we are standing by the people of Taiwan.

I think this is excellent legislation. I think we have been sidetracked a bit on issues of whether it is appropriate to criticize or to praise the Clinton Administration. We could debate that all day. Fortunately, the debate on this resolution will end more quickly, and the focus of this resolution should be on what is the appropriate resolution for this Congress to pass.

Having passed a very solid resolution on March 19, 1996, I think it would be a mistake to retreat from this resolution, and I would say that if there is an increase in tension in the Taiwan Straits, it is wrong to blame the United States or to blame Taipei. After all, it is Beijing which shot missiles over those Straits. We, being a large continental country, can only imagine how insecure it is to live on a small island and to know that if ship owners feel that their ships are in danger, then your island is effectively blockaded, and subject to deprivation of anything that it cannot produce. I think that if China once told America that Taiwan is 40th on their list, or 28th on their list, and all they ask is not to be embarrassed, it would have been less embarrassing if Beijing had abstained from firing those missiles.

Finally, I don't think we will ever be in a circumstance where Taiwan does not request things that we say yes to sometimes. It does not request things that we say no to. Perhaps we have said no, informally, at times when we should have said yes, or the other way around. But I think it would be a dereliction of duty of the Taiwanese military establishment not to at least informally ask for a little more than they think they are going to get.

I am sure that while our Chairman may not be able to put in the record an official request denied document, that the gentleman from Orange County is correct. There must have been informal denials. Yet, if there were no informal denials, then we would have given Taiwan a blank check, or they would have asked for too little from their own standpoint.

I think that this resolution, particularly as modified, is one that we should move to the Floor.

Chairman GILMAN. Thank you, Mr. Sherman.

Mr. LANTOS. Parliamentary inquiry, Mr. Chairman.

Chairman GILMAN. The gentleman will state it.

Mr. LANTOS. Has the decision been made with respect to Congressman Campbell's request?

Chairman GILMAN. Yes. Counsel has been in touch with the House Parliamentarian, and I am going to ask Mr. Weinberg to please recite the decision.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent that after all Members who choose to express their views on this issue and the Administration will have had a chance to express its views on this issue, Congressman Campbell be allowed to make his motion.

Chairman GILMAN. You have asked for the Parliamentarian's explanation. I am about to ask Mr. Weinberg to please recite the Parliamentarian's decision.

Mr. Weinberg.

Mr. WEINBERG. Mr. Chairman, the Parliamentarian has advised that the motion to table would be in order, and also stated that the motion to table would kill the amendment and the bill permanently. The Parliamentarian has not, however, been able to provide a—.

Mr. LANTOS. Did I hear you say permanently?

Mr. WEINBERG. As far as this bill, yes, sir. The bill would be put on the table.

Mr. GEJDENSON. Will the gentleman yield?

Mr. LANTOS. I will yield.

Mr. GEJDENSON. Just for my own curiosity, if the gentleman's motion is to table—the Chairman has already placed the substitute in order. So the gentleman's motion would be against the substitute, which hasn't been voted on yet, so then, if that were to pass, would we then vote on the underlying bill?

Mr. CAMPBELL. If the gentleman from California would yield.

Mr. LANTOS. I will be happy to yield.

Mr. CAMPBELL. Thank you.

I would be happy, of course, to follow counsel, but, as I understand it, my motion to table should come after the Committee has adopted the substitute, and before we vote on the substitute, and I think Congressman Lantos's request was to make sure I didn't get passed over in the train that might be going at a high speed at that point, so I sure hope he renews his unanimous consent.

Last, as I understand it, even though it is true that the motion to table kills this, there is no parliamentary impediment to an identical bill being introduced immediately. If I am wrong on that, I would yield to the Chairman or to the counsel to so inform me. In other words, let's not put to much weight on the word "permanently."

Mr. ACKERMAN. Parliamentary inquiry, Mr. Chairman.

Chairman GILMAN. The gentleman will state it.

Mr. ACKERMAN. Might I address it to the Parliamentarian?

Chairman GILMAN. Please.

Mr. ACKERMAN. Is it not true that a motion is in order to remove from the table, which also requires the same majority vote?

Mr. WEINBERG. I was advised by the Parliamentarian that unanimous consent would be required to take the bill from the table if it had gone there.

Mr. ACKERMAN. If the gentleman would yield, Mr. Parliamentarian, you can ask unanimous consent to remove it from the table—and that can be done with anything—but is it not so, that you can make a motion to remove from the table which requires a majority vote?

Mr. WEINBERG. I could ask the specific question, Congressman, but the implication of the response that I received from the Parliamentarian that said it would take unanimous consent to get it off the table, I think was meant to touch on your question as well as—.

Mr. ACKERMAN. Would you review that with the Parliamentarian? If you review it in those terms, I think you might get a different answer from the Parliamentarian.

Mr. WEINBERG. I will do that.

Mr. GEJDENSON. If the gentleman would yield again, while this is all very interesting, of course, the motion to table is not unlike a motion in opposition to the bill itself, although there is a nuance of difference that should get approximately the same results, unless there are some Members who don't want to express themselves in opposition of the bill, but simply want to put it over for additional time.

Mr. CAMPBELL. If the gentleman would yield, on the record I said I would vote for this bill, but I would prefer that we not, so I am in exactly the situation that you say has no elements, and I am one element.

Mr. DELAHUNT. Would the gentleman yield?

Mr. LANTOS. I am most happy to yield to all of my colleagues.

Mr. DELAHUNT. I think Mr. Lantos——

Chairman GILMAN. Mr. Ackerman, if you will yield a moment.

Mr. DELAHUNT. Mr. Lantos has yielded to me, Mr. Chairman.

Chairman GILMAN. Mr. Lantos has the time? Will you yield, please?

Mr. LANTOS. I already yielded, but I will yield to you, and then please line up so I may yield to the rest of you.

Chairman GILMAN. I am asking our counsel to clarify the request on the parliamentary questions, and I am going to ask Mr. Rohrabacher if he would set forth his—or, Mr. Weinberg, please set forth a clarification of the parliamentary questions.

Mr. WEINBERG. Mr. Chairman, the advice that I have received is that the motion to table, once agreed to, is final and can be reversed only by unanimous consent.

Mr. CAMPBELL. Would the gentleman yield?

Mr. LANTOS. I have yielded to Mr. Delahunt.

Mr. DELAHUNT. Mr. Chairman, I think——

Chairman GILMAN. Mr. Delahunt.

Mr. DELAHUNT. I think the import of the intention of Mr. Campbell was a mechanism, if you will, to allow for additional time to inquire as to what is clearly a discrepancy in terms of Members' understanding as to the facts. I think that is certainly due, and owing those of us who are not as conversant with these issues as Mr. Salmon, Mr. Bereuter, Mr. Lantos, Mr. Ackerman, and others.

I find it interesting, listening to you, Chairman Gilman, regarding three specific requests from the Taiwanese, and then listening to Mr. Ackerman say that is absolutely not the case, and he being supported by Mr. Bereuter, in terms of the accuracy of Mr. Ackerman's statement. I think this is just too serious in terms of its implications, internationally, and for the United States, to move ahead at this point in time. Maybe what we should have done here is to have a hearing so that we could develop some evidence so that we could make some rational, intelligent decisions.

I yield to Mr. Campbell, if I am correct in interpreting his intent.

Mr. LANTOS. To correct my friend, it is I who will yield to Mr. Campbell.

Mr. CAMPBELL. I would say, in candor, that you have a different view, but that the two are worth consideration. My view is that it is a dangerous time for us to be engaged in this. This is a time where it is wiser for us to have a little more discretion. But that if I am forced to, I would vote yes, based on what I know.

The gentleman's point is, I think, a very helpful addition, saying that there are more facts for you to find.

Since you have yielded to me, I do want to make clear, nothing prevents—since Mr. Lantos yielded, nothing prevents any Member from bringing back this identical resolution immediately. The idea about tabling is that it is not the right time. It is not a vote on the merits.

I yield back.

Chairman GILMAN. I am asking Mr. Weinberg once again, he has some additional information from the Parliamentarian with regard to the inquiry on our procedure.

Mr. Weinberg.

Mr. WEINBERG. Mr. Chairman, a motion to postpone to a date certain would take the bill with it to the date certain. Such a motion would be debatable, or the debate would be proper only on the advisability of the postponement, that a motion to table the motion to postpone would be in order, as would an amendment to such a motion.

Thank you, Mr. Chairman.

Mr. LANTOS. Mr. Chairman, parliamentary inquiry.

Chairman GILMAN. Mr. Lantos, on your parliamentary inquiry.

Mr. LANTOS. Is it appropriate at this stage to offer a motion that further debate on this matter be postponed until after Subcommittee hearings on this subject?

Chairman GILMAN. Are you referring to a date certain?

Mr. LANTOS. As soon as Subcommittee hearings will have concluded.

Chairman GILMAN. In order to do that, I am informed we have to have a specific date.

Mr. LANTOS. My specific date is November 29.

Chairman GILMAN. Apparently, what you want to do is to put an obstacle in the path of getting this legislation considered by this Committee. Of course, your proposal would be in order if you have a date certain.

Mr. LANTOS. November 29, Mr. Chairman. I so move, Mr. Chairman.

Chairman GILMAN. There is a motion before the Committee to postpone consideration of this measure until November 29. The motion is proposed by Mr. Lantos. It is a debatable motion.

Who seeks recognition?

Mr. LANTOS. I seek recognition.

Chairman GILMAN. Mr. Lantos.

Mr. LANTOS. Mr. Chairman, as this wide-ranging discussion has clearly demonstrated, many, if not all Members of the Committee have doubts concerning certain factual representations. It is the ordinary—there is no order in the Committee, Mr. Chairman.

Chairman GILMAN. The gentleman is correct. May we have order, please? May we have order so that the gentleman may be heard? May we have order—.

Mr. LANTOS. The ordinary modus operandi——

Chairman GILMAN. The gentleman may proceed.

Mr. LANTOS. Thank you, Mr. Chairman.

The ordinary modus operandi of this body, particularly when it comes to matters of such import, is to have extensive Subcommittee hearings, that all the facts and arguments may be presented, debated, analyzed, and then come to the Full Committee with recommendation. This clearly has not been the case in this instance, and I believe that my motion to postpone debate is in the public interest.

I yield back the balance of my time.

Chairman GILMAN. Mr. Bereuter, point of inquiry. Did your Subcommittee hold any hearings on this issue?

Mr. BEREUTER. We did hold a hearing specifically on this issue in September.

Chairman GILMAN. In September. At this point, since there has been a question with regard to information that has been disclosed to the Committee, I am going to ask Mr. Kurt Campbell, who is here for the Administration, would you please take the witness's seat?

Mr. Campbell, would you recite your title?

Mr. CAMPBELL. Thank you, Mr. Chairman.

I am Kurt Campbell, Deputy Assistant Secretary of Defense at the Pentagon.

Chairman GILMAN. Are you one of our government's chief interlocutors with Taiwan on security matters? Is that correct?

Mr. CAMPBELL. Yes, I am.

Chairman GILMAN. In the course of your conversation with Taiwanese officials, you have become familiar with the U.S. weapons system that they are interested in acquiring?

Mr. CAMPBELL. That is correct.

Chairman GILMAN. In your opinion, has the government of Taiwan expressed interest in acquiring from the U.S., for example, the Aegis Air Defense System?

Mr. CAMPBELL. Mr. Chairman, if I may, please, as I have suggested to you in the past in previous hearings, the story of requests from Taiwan, the story of the United States offering various defense articles, is a complex one. I would recommend that if we want to proceed in this, that we do it in closed session. I think that would—we have offered this on several occasions, Mr. Chairman.

Chairman GILMAN. Mr. Campbell, could you tell us just yes or no, without getting into classified information? Has Taiwan made a request for——

Mr. LANTOS. Mr. Chairman, I think it is inappropriate to bully an Administration witness.

Chairman GILMAN. The gentleman is out of order.

Has the Taiwanese government expressed an interest in acquiring the Aegis Air Defense System, yes or no?

Mr. ACKERMAN. Mr. Chairman, the gentleman said he would like not to answer that question in open session, and I think that he knows as much about security issues as anyone.

Chairman GILMAN. The gentleman is out of order. The witness did not make that statement. The witness has been asked for a yes or no statement.

Mr. ACKERMAN. No, the Chairman asked for a yes or no statement.

Chairman GILMAN. I said the witness is being asked to answer with a yes or no response.

Mr. ACKERMAN. And he answered, Mr. Chairman, that it would be inappropriate in open session.

Chairman GILMAN. The gentleman is out of order.

Would the witness please respond?

Mr. CAMPBELL. Mr. Chairman, as I stated, my preference would be to review the entire range——

Chairman GILMAN. I am not asking for the entire range. Is my request of you to classified for a yes or no response? Is that a classified matter?

Mr. CAMPBELL. Let me answer the question this way then, Mr. Chairman. The Taiwanese have requested early warning capability.

Chairman GILMAN. How about an AMRAAM air-to-air missile request?

Mr. CAMPBELL. The U.S. Administration has agreed to provide some form of early warning, and what we are working on now are the technical issues associated with the provision of such a system.

Chairman GILMAN. I am referring to the Aegis system and the AMRAAM system. Have they made a request for those systems? Just yes or no.

Mr. CAMPBELL. As I said, Mr. Chairman, I would prefer to go through each one of these issues in——

Chairman GILMAN. I am not asking for classified information. All I am asking is has a request been made, Mr. Campbell, for an air-to-air missile air defense system—the Aegis system and the AMRAAM system.

Mr. ACKERMAN. Point of order, Mr. Chairman.

Chairman GILMAN. Yes, Mr. Ackerman. State your point of order.

Mr. ACKERMAN. I believe it is not within the rules of the Committee to badger a witness.

Chairman GILMAN. I am not badgering the witness. All I am asking is—the gentleman is out of order. The witness is not being badgered.

Mr. ACKERMAN. He has given the same answer four times; and when he is asked the fifth time, that is a badger, by definition.

Chairman GILMAN. You are out of order, Mr. Ackerman. We are not badgering the witness. All we are asking for is a very simple yes or no response.

Can you respond, Mr. Campbell? Has the Taiwan government made a request for the Aegis system or the AMRAAM system?

Mr. CAMPBELL. Mr. Chairman, I have tried to respond to this. I would prefer to——

Chairman GILMAN. I know what you said about preferring, but can you answer with a yes or no answer?

Mr. CAMPBELL. Mr. Chairman, I think it is in the interest of this chamber, and the interest of the U.S. Government, for us to continue this discussion in private hearings. I would be happy to go into great detail about all aspects of the security relationship with Taiwan. If I can say, we have been standing by for 3 weeks to provide these briefings.

Chairman GILMAN. Mr. Campbell, the Committee has been accused of misleading our Members with regard to these requests. Can you clarify whether such requests have been made?

Mr. CAMPBELL. Mr. Chairman, I feel very confident that I can clarify all issues associated with our security relationship with Taiwan. I believe it is in the interest of this body, and the U.S. Government, to do this in a private hearing.

Chairman GILMAN. Once again, I am asking, can you answer, without breaching any confidential relationship, whether these requests were made?

Mr. ACKERMAN. Parliamentary inquiry, Mr. Chairman.

Chairman GILMAN. The gentleman will state his parliamentary inquiry.

Mr. ACKERMAN. Could the Chairman explain to us what constitutes badgering?

Chairman GILMAN. The gentleman is out of order. He is not stating a proper parliamentary inquiry.

Mr. DELAHUNT. Mr. Chairman, a point of order.

Chairman GILMAN. Please state it.

Mr. DELAHUNT. I wonder if the Chair could ask the gentleman, rather than simply asking him for either-or, whether, in his opinion, the question that the Chair is posing is susceptible to a simple yes or no answer, or is it necessary, in his opinion, in his role——

Chairman GILMAN. The gentleman's request is reasonable.

Mr. Campbell, can you respond in that manner?

Mr. CAMPBELL. I can, Mr. Chairman. Let me just say that the arms sales process is classified. Every Administration since the introduction of the Taiwan Relations Act has treated it as such.

Second, it would be fair to say, Mr. Chairman, that there had been a number of requests that Taiwan has made of us, both unofficially and officially, which we have discouraged. There has also been—let me go on, Mr. Chairman. There have also been a number of suggestions that the U.S. Government has made to Taiwan, in terms of process or arms sales that they should consider, which they have also refused.

Furthermore—let me just go on, if I may, please. I am trying to answer the question. Furthermore, there have been a number of requests that Taiwan has made to the United States which we have approved which they have sought not to pursue. The reason that I give you this background, it is a much more complex picture than a yes or no answer can assess at this juncture.

I would suggest, Mr. Chairman, that if you look at the major challenges that the Taiwanese face, anti-air, anti- submarine, amphibious, each of those areas, the U.S. Government believes that we have taken steps, early warning, that will allow Taiwan to take appropriate defensive steps. We believe that, frankly, we have taken extra efforts in the last several years to fulfill our obligations under the Taiwan Relations Act.

I am not attempting to avoid the question, Mr. Chairman. I am simply stating that some of this information, I believe, is in the interest of the Members to know. I also believe it is not in the interest for us to be debating in public at this time.

Chairman GILMAN. Just one more question, Mr. Campbell, have any defense systems requests that the Taiwan government has made been turned down?

Mr. CAMPBELL. I think I have already made my statement on this issue in a more complex way, Mr. Chairman. I will just stand by the statement I made.

Mr. BEREUTER. Will the Chairman yield?

Chairman GILMAN. Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

I will just say, having looked at this in all of its classified ramifications that I can determine, I think that Deputy Assistant Secretary Campbell's response is a responsible one. It is the only one he can give in this situation.

But I would also say to the Chairman that your and Mr. Gejdenson's substitute has taken care of this problem because you have eliminated specific references to the weapons system. I think we have taken the right course here, and I think we have gone as far

as we legitimately can. If we were to hold other hearings at the Subcommittee or Committee level in order to really get to the heart of this issue, it has to be conceptual.

Thank you.

Mr. LANTOS. Parliamentary inquiry, Mr. Chairman.

Chairman GILMAN. Mr. Lantos.

Mr. LANTOS. When will you call for a vote?

Chairman GILMAN. We are about to do that. There is a motion before us, and the debate is now only on the motion by Mr. Lantos.

Mr. Manzullo is requesting time.

Mr. MANZULLO. I just have a question on general debate before you go to Mr. Lantos' motion, so my remarks are not appropriate at this time.

Chairman GILMAN. We are now, Mr. Manzullo, on the motion by Mr. Lantos to postpone debate.

Mr. SALMON. Mr. Chairman?

I would just like to speak in support of the Lantos motion. The reason that I do, as I think has been exemplified by the last 20 minutes, the fact is, there has not been a thorough going-over. The Administration has volunteered to provide information to us, sensitive information that could not be provided here in an open session, in a closed session. I am on the Asia Subcommittee which Chairman Bereuter chairs, but although we have talked many times about the policy regarding Taiwan and China, this specific bill has never been marked up. It has never been discussed in Subcommittee.

Let's do it appropriately. I am not asking for us to overturn it at the present time. I think, let's be prudent here, let's postpone it. I think that the Representative from California's suggestion is a good one. This is so important. Let's take the time to do it right, and let's get all of the information we possibly can before we move ahead.

Thank you.

Mr. DELAHUNT. Mr. Chairman, I have a unanimous consent request.

Chairman GILMAN. What is the unanimous consent request?

Mr. DELAHUNT. I would ask if the gentleman from California, Mr. Lantos, would consider, in light of the remarks by the Chair of the Subcommittee, Mr. Bereuter, to amend his motion so that any hearings on this particular issue would be done in closed session.

Mr. LANTOS. I hereby do so.

Chairman GILMAN. That is an inappropriate motion. That has to be decided by the Subcommittee Chairman by a vote in the Subcommittee. House rules require that kind of vote.

Mr. SHERMAN. Mr. Chairman, I would reluctantly oppose Mr. Lantos' motion. It seems like the only fact that is in contention is whether the United States has denied particular weapons requests from Taiwan. That is, at most, a sideline to the resolution. Not only that, it is only the details of that sideline that are in question.

I think we had reached agreement that certainly we said no to Taiwan on occasion. Perhaps we haven't said no to a formal request, but we have said no to an informal request. We have said yes on occasion, and as the Administration representative pointed

out, sometimes we say maybe, or how would you like this other weapons system that might meet your needs and/or meet the diplomatic needs of the United States. I think that, with that background, if we were to vote on this resolution that is before us, and that is there are times when the United States says yes and times when we say no, it could be the subject of some other hearings in evaluating whether the Administration has said yes or no to informal requests, but I don't think that that needs to hold up the passage of this resolution.

Chairman GILMAN. Mr. Rohrabacher.

Mr. ROHRABACHER. First of all, I rise in strong opposition of this motion. I consider it to be an obstructionist motion. This is not being done in order to find out more information. Mr. Lantos is fully aware that there is no major issue that comes before this Committee. When I say major issue——

Chairman GILMAN. Will you put the mike a little closer?

Mr. ROHRABACHER. I rise in strong opposition to Mr. Lantos' motion. There is no issue that comes before this Committee that is a major issue, and an issue that is contentious, in which we are all agreed on what the facts are. It is as simple as that. This idea that we should postpone this decision today because we are in disagreement over the facts is a joke. The fact is, every time we come here and disagree, we have some contention as to what the facts are. Now, how do we determine what the facts are? We hold hearings at the Subcommittee level. Guess what? There has been a hearing at the Subcommittee level. I happen to be a Member of the Asia and Pacific Subcommittee. We held that hearing on September 15th.

Let me note, in terms of what we just went through a few moments ago, that Assistant Secretary Campbell, his statement, has backed up the Chairman's contention. Listen very closely—if you look very closely at his words, the Chairman's contention that there have been some of requests made by Taiwan that have been denied was backed up by exactly what the Deputy Assistant Secretary said. Of course, we have also an agreement for that. Mr. Sherman's statement acknowledges that that is par for the course. We agree on some things and disagree on others where we turn down some requests and accede to others.

Mr. Chairman, I would just say, before I yield to my good friend, Mr. Gejdenson, I am a bit dismayed. I—having been a Member of this Committee at a time when the Democrats controlled this Committee, I don't remember a case where anyone on this side of the aisle ever badgered Mr. Hamilton, as the Chairman of this Committee, as we have seen today, and it seems to be the standard operating procedure that has been coming about. I don't like that. I don't think this is a gentlemanly way to handle this type of business. We should agree to disagree in a way that we respect each other's rights and respect each other's opinions. But I think that badgering the Chairman, as we have seen, really goes counter to that.

Mr. GEJDENSON. Will the gentleman yield?

Mr. ROHRABACHER. I would certainly yield to my good friend, Mr. Gejdenson.

Chairman GILMAN. Mr. Gejdenson.

Mr. GEJDENSON. Thank you, Mr. Rohrabacher.

Mr. Chairman. I want to join Mr. Rohrabacher in that China shop for a moment, and just say that I think we ought to defeat the motion. We ought to pass the resolution. I believe that the resolution has come to a proper balance of our concerns for gratuitously creating tensions in the region but firmly stating our support for a democratic government in the region.

The reality is that the language we have before us, as even Mr. Bereuter agrees, is language that I think has struck a solid balance in favor of democracy without being disruptive. I would hope that Members would defeat the motion to table, and that we could then listen to Mr. Roth or not listen to Mr. Roth, as the Committee decides at that point, and then vote on the bill in an expeditious manner.

Chairman GILMAN. Thank you, Mr. Gejdenson.

Before yielding, I just want to associate myself with Mr. Gejdenson's remarks. A great deal of time and effort and all of the—both parties, Majority and Minority, have been fully consulted and have worked on this bill. I would urge my colleagues to defeat the motion and to move forward with adoption of the measure so it can go to the Floor.

Mr. Ackerman.

Mr. ACKERMAN. Thank you very much, Mr. Chairman.

First, I would like to apply to get a Rohrabacher certificate as being nondelusionary, and I am not sure how to apply. Absent that, I just want to—an interesting point was made before when it was said that if we do not vote until we have all of the facts before us we may be setting a very dangerous precedent.

Some of the discussion that we have had concerning Taiwan's defense needs over the last few minutes, I would just like to clarify. The statement that Mr. Gilman made three times during his opening statement—one word has escaped many of us during the course of this discussion—he said, the Administration's failure to meet Taiwan's legitimate defense needs. The operative word is legitimate defense needs. It is quite possible, Mr. Chairman, and I will concede that, that maybe Taiwan has—and it is speculation on my part, because we have not gone into closed session—that Taiwan made some request, as every country does of us, that we might not have thought was a legitimate defense need, and in considering that we have had discussions with them.

The point that I took up, Mr. Chairman, was the partisanship of continuing to harp on the Administration in the partisan fashion to say that they have failed to meet Taiwan's legitimate defense needs. Absent the witness from the Defense Department, if the Chairman knows of any legitimate defense needs that were made by Taiwan, as he recited three times, I think we are still open, and I think the record is open to hear that. But what you heard from the Administration, or from the Department of Defense, I believe, said that there might have been requests that they made formally or informally, that we dissuaded because of whatever reasons, and I read that as maybe they weren't legitimate requests, and I think that we should hear that. But I do not think that the facts are in dispute at all here, Mr. Chairman, and I suggest that we move forward.

Chairman GILMAN. The question is now on the motion to postpone the issue before the Committee to November 29, as offered by Mr. Lantos. All those in favor, signify by saying aye. Those opposed, say no.

Chairman GILMAN. The noes have it.

Mr. LANTOS. I ask for a recorded vote.

Chairman GILMAN. A recorded vote is requested. All in favor of a recorded vote, signify by a show of hands. A sufficient number. A recorded vote is requested, and a recorded vote will be taken.

The clerk will call the roll.

Ms. BLOOMER. Mr. Gilman.

Chairman GILMAN. No.

Ms. BLOOMER. Mr. Gilman votes no.

Mr. Goodling.

Mr. GOODLING. No.

Ms. BLOOMER. Mr. Goodling votes no.

Mr. Leach.

[No response.]

Ms. BLOOMER. Mr. Hyde.

[No response.]

Ms. BLOOMER. Mr. Bereuter.

Mr. BEREUTER. No.

Ms. BLOOMER. Mr. Bereuter votes no.

Mr. Smith.

Mr. SMITH. No.

Ms. BLOOMER. Mr. Smith votes no.

Mr. Burton.

Mr. BURTON. No.

Ms. BLOOMER. Mr. Burton votes no.

Mr. Gallegly.

[No response.]

Ms. BLOOMER. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. No.

Ms. BLOOMER. Ms. Ros-Lehtinen votes no.

Mr. Ballenger.

Mr. BALLENGER. No.

Ms. BLOOMER. Mr. Ballenger votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.

Ms. BLOOMER. Mr. Rohrabacher votes no.

Mr. Manzullo.

Mr. MANZULLO. No.

Ms. BLOOMER. Mr. Manzullo votes no.

Mr. Royce.

Mr. ROYCE. No.

Ms. BLOOMER. Mr. Royce votes no.

Mr. King.

Mr. KING. No.

Ms. BLOOMER. Mr. King votes no.

Mr. Chabot.

Mr. CHABOT. No.

Ms. BLOOMER. Mr. Chabot votes no.

Mr. Sanford.

Mr. SANFORD. Aye.

Ms. BLOOMER. Mr. Sanford votes aye.
Mr. Salmon.
Mr. SALMON. Aye.
Ms. BLOOMER. Mr. Salmon votes aye.
Mr. Houghton.
Mr. HOUGHTON. Aye.
Ms. BLOOMER. Mr. Houghton votes aye.
Mr. Campbell.
Mr. CAMPBELL. Aye.
Ms. BLOOMER. Mr. Campbell votes aye.
Mr. McHugh.
Mr. MCHUGH. No.
Ms. BLOOMER. Mr. McHugh votes no.
Mr. Brady.
Mr. BRADY. No.
Ms. BLOOMER. Mr. Brady votes no.
Mr. Burr.
[No response.]
Ms. BLOOMER. Mr. Gillmor.
Mr. GILLMOR. No.
Ms. BLOOMER. Mr. Gillmor votes no.
Mr. Radanovich.
Mr. RADANOVICH. No.
Ms. BLOOMER. Mr. Radanovich votes no.
Mr. Cooksey.
Mr. COOKSEY. No.
Ms. BLOOMER. Mr. Cooksey votes no.
Mr. Tancredo.
Mr. TANCREDO. No.
Ms. BLOOMER. Mr. Tancredo votes no.
Mr. Gejdenson.
Mr. GEJDENSON. No.
Ms. BLOOMER. Mr. Gejdenson votes no.
Mr. Lantos.
Mr. LANTOS. Aye.
Ms. BLOOMER. Mr. Lantos votes aye.
Mr. Berman.
Mr. BERMAN. No.
Ms. BLOOMER. Mr. Berman votes no.
Mr. Ackerman.
Mr. ACKERMAN. Aye.
Ms. BLOOMER. Mr. Ackerman votes aye.
Mr. Faleomavaega.
[No response.]
Ms. BLOOMER. Mr. Martinez.
[No response.]
Ms. BLOOMER. Mr. Payne.
[No response.]
Ms. BLOOMER. Mr. Menendez.
[No response.]
Ms. BLOOMER. Mr. Brown.
Mr. BROWN. No.
Ms. BLOOMER. Mr. Brown votes no.
Ms. McKinney.

[No response.]
Ms. BLOOMER. Mr. Hastings.
[No response.]
Ms. BLOOMER. Ms. Danner.
[No response.]
Ms. BLOOMER. Mr. Hilliard.
[No response.]
Ms. BLOOMER. Mr. Sherman.
Mr. SHERMAN. No.
Ms. BLOOMER. Mr. Sherman votes no.
Mr. Wexler.
Mr. WEXLER. No.
Ms. BLOOMER. Mr. Wexler votes no.
Mr. Rothman.
Mr. ROTHMAN. No.
Ms. BLOOMER. Mr. Rothman votes no.
Mr. Davis.
Mr. DAVIS. No.
Ms. BLOOMER. Mr. Davis votes no.
Mr. Pomeroy.
[No response.]
Ms. BLOOMER. Mr. Delahunt.
Mr. DELAHUNT. Aye.
Ms. BLOOMER. Mr. Delahunt votes aye.
Mr. Meeks.
Mr. MEEKS. Aye.
Ms. BLOOMER. Mr. Meeks votes aye.
Ms. Lee.
Ms. LEE. Aye.
Ms. BLOOMER. Ms. Lee votes aye.
Mr. Crowley.
Mr. CROWLEY. No.
Ms. BLOOMER. Mr. Crowley votes no.
Mr. Hoeffel.
Mr. HOEFFEL. No.
Ms. BLOOMER. Mr. Hoeffel votes no.
Chairman GILMAN. The clerk will call the absentees.
Ms. BLOOMER. Mr. Leach.
[No response.]
Ms. BLOOMER. Mr. Hyde.
[No response.]
Ms. BLOOMER. Mr. Gallegly.
[No response.]
Ms. BLOOMER. Mr. Burr.
[No response.]
Ms. BLOOMER. Mr. Faleomavaega.
[No response.]
Ms. BLOOMER. Mr. Martinez.
[No response.]
Ms. BLOOMER. Mr. Payne.
[No response.]
Ms. BLOOMER. Mr. Menendez.
[No response.]
Ms. BLOOMER. Ms. McKinney.

[No response.]
Ms. BLOOMER. Mr. Hastings.
[No response.]
Ms. BLOOMER. Ms. Danner.
Ms. DANNER. No.
Ms. BLOOMER. Ms. Danner votes no.
Mr. Hilliard.
[No response.]
Ms. BLOOMER. Mr. Pomeroy.
[No response.]
Chairman GILMAN. How is Mr. Burr recorded?
Ms. BLOOMER. Mr. Burr?
Mr. BURR. No.
Ms. BLOOMER. Mr. Burr votes no.
Chairman GILMAN. The clerk will report the tally.
Just a moment. Mr. Hastings. How is Mr. Hastings recorded?
Ms. BLOOMER. Mr. Hastings is recorded as not having voted.
Chairman GILMAN. Mr. Hastings?
Mr. HASTINGS. No.
Ms. BLOOMER. Mr. Hastings votes no.
Nine ayes and 30 noes.
Chairman GILMAN. The motion is not agreed to.
If there are no further amendments, without objection, the previous question is ordered on the amendment in the nature of a substitute.
The question is now on the amendment in the nature of a substitute. All those in favor, signify by saying aye. All of those opposed, say no.
The amendment in the nature of a substitute is agreed to.
The gentleman from Indiana, Mr. Burton, is recognized to offer a motion.
Mr. BURTON. Mr. Chairman, I move that the Committee report the bill, as amended, to the House, with a recommendation that the bill, as amended, do pass.
Chairman GILMAN. The question is on the motion of the gentleman from Indiana, Mr. Burton. Those in favor of the motion, signify by saying aye. Those opposed, say no.
The ayes have it. A quorum being present, the motion is agreed to.
Without objection, the Chair or his designee is authorized to make motions under rule 20 with respect to a conference on this bill or counterpart for the Senate.
Mr. Ackerman.
Mr. ACKERMAN. I request a recorded vote, Mr. Chairman.
Chairman GILMAN. A recorded vote is requested. All those in favor, signify by a show of hands. A sufficient number having been noted, a recorded vote is requested and ordered. The clerk will call the roll.
Ms. BLOOMER. Mr. Gilman.
Chairman GILMAN. Aye.
Ms. BLOOMER. Mr. Gilman votes aye.
Mr. Goodling.
Mr. GOODLING. Aye.
Ms. BLOOMER. Mr. Goodling votes aye.

Mr. Leach.
[No response.]
Ms. BLOOMER. Mr. Hyde.
[No response.]
Ms. BLOOMER. Mr. Bereuter.
Mr. BEREUTER. Aye.
Ms. BLOOMER. Mr. Bereuter votes aye.
Mr. Smith.
Mr. SMITH. Aye.
Ms. BLOOMER. Mr. Smith votes aye.
Mr. Burton.
Mr. BURTON. Aye.
Ms. BLOOMER. Mr. Burton votes aye.
Mr. Gallegly.
[No response.]
Ms. BLOOMER. Ms. Ros-Lehtinen.
Ms. ROS-LEHTINEN. Aye.
Ms. BLOOMER. Ms. Ros-Lehtinen votes aye.
Mr. Ballenger.
Mr. BALLENGER. Aye.
Ms. BLOOMER. Mr. Ballenger votes aye.
Mr. Rohrabacher.
Mr. ROHRABACHER. Aye.
Ms. BLOOMER. Mr. Rohrabacher votes aye.
Mr. Manzullo.
Mr. MANZULLO. Aye.
Ms. BLOOMER. Mr. Manzullo votes aye.
Mr. Royce.
Mr. ROYCE. Aye.
Ms. BLOOMER. Mr. Royce votes aye.
Mr. King.
Mr. KING. Aye.
Ms. BLOOMER. Mr. King votes aye.
Mr. Chabot.
Mr. CHABOT. Aye.
Ms. BLOOMER. Mr. Chabot votes aye.
Mr. Sanford.
Mr. SANFORD. Aye.
Ms. BLOOMER. Mr. Sanford votes aye.
Mr. Salmon.
Mr. SALMON. No.
Ms. BLOOMER. Mr. Salmon votes no.
Mr. Houghton.
Mr. HOUGHTON. No.
Ms. BLOOMER. Mr. Houghton votes no.
Mr. Campbell.
Mr. CAMPBELL. Aye.
Ms. BLOOMER. Mr. Campbell votes aye.
Mr. McHugh.
Mr. MCHUGH. Aye.
Ms. BLOOMER. Mr. McHugh votes aye.
Mr. Brady.
Mr. BRADY. Aye.
Ms. BLOOMER. Mr. Brady votes aye.

Mr. Burr.
Mr. BURR. Aye.
Ms. BLOOMER. Mr. Burr votes aye.
Mr. Gillmor.
Mr. GILLMOR. Aye.
Ms. BLOOMER. Mr. Gillmor votes aye.
Mr. Radanovich.
Mr. RADANOVICH. Aye.
Ms. BLOOMER. Mr. Radanovich votes aye.
Mr. Cooksey.
Mr. COOKSEY. Aye.
Ms. BLOOMER. Mr. Cooksey votes aye.
Mr. Tancredo.
Mr. TANCREDO. Aye.
Ms. BLOOMER. Mr. Tancredo votes aye.
Mr. Gejdenson.
Mr. GEJDENSON. Aye.
Ms. BLOOMER. Mr. Gejdenson votes aye.
Mr. Lantos.
Mr. LANTOS. No.
Ms. BLOOMER. Mr. Lantos votes no.
Mr. Berman.
[No response.]
Ms. BLOOMER. Mr. Ackerman.
Mr. ACKERMAN. Aye.
Ms. BLOOMER. Mr. Ackerman votes aye.
Mr. Faleomavaega.
[No response.]
Ms. BLOOMER. Mr. Martinez.
[No response.]
Ms. BLOOMER. Mr. Payne.
[No response.]
Ms. BLOOMER. Mr. Menendez.
[No response.]
Ms. BLOOMER. Mr. Brown.
Mr. BROWN. Aye.
Ms. BLOOMER. Mr. Brown votes aye.
Ms. McKinney.
[No response.]
Ms. BLOOMER. Mr. Hastings.
Mr. HASTINGS. No.
Ms. BLOOMER. Mr. Hastings votes no.
Ms. Danner.
Ms. DANNER. Aye.
Ms. BLOOMER. Ms. Danner votes aye.
Mr. Hilliard.
[No response.]
Ms. BLOOMER. Mr. Sherman.
Mr. SHERMAN. Aye.
Ms. BLOOMER. Mr. Sherman votes aye.
Mr. Wexler.
Mr. WEXLER. Aye.
Ms. BLOOMER. Mr. Wexler votes aye.
Mr. Rothman.

Mr. ROTHMAN. Aye.
Ms. BLOOMER. Mr. Rothman votes aye.
Mr. Davis.
Mr. DAVIS. Aye.
Ms. BLOOMER. Mr. Davis votes aye.
Mr. Pomeroy.
[No response.]
Ms. BLOOMER. Mr. Delahunt.
Mr. DELAHUNT. No.
Ms. BLOOMER. Mr. Delahunt votes no.
Mr. Meeks.
Mr. MEEKS. Aye.
Ms. BLOOMER. Mr. Meeks votes aye.
Ms. Lee.
Ms. LEE. No.
Ms. BLOOMER. Ms. Lee votes no.
Mr. Crowley.
Mr. CROWLEY. Aye.
Ms. BLOOMER. Mr. Crowley votes aye.
Mr. Hoeffel.
Mr. HOEFFEL. Aye.
Ms. BLOOMER. Mr. Hoeffel votes aye.
Chairman GILMAN. The clerk will report the tally.
Please call the absentees.
Ms. BLOOMER. Mr. Leach.
[No response.]
Ms. BLOOMER. Mr. Hyde.
[No response.]
Ms. BLOOMER. Mr. Gallegly.
[No response.]
Ms. BLOOMER. Mr. Berman.
[No response.]
Ms. BLOOMER. Mr. Faleomavaega.
[No response.]
Ms. BLOOMER. Mr. Martinez.
[No response.]
Ms. BLOOMER. Mr. Payne.
[No response.]
Ms. BLOOMER. Mr. Menendez.
[No response.]
Ms. BLOOMER. Ms. McKinney.
[No response.]
Ms. BLOOMER. Mr. Hilliard.
[No response.]
Ms. BLOOMER. Mr. Pomeroy.
[No response.]
Chairman GILMAN. The clerk will report the tally.
Ms. BLOOMER. On this vote, there were 32 ayes and 6 noes.

Chairman GILMAN. The motion is agreed to. The ayes have it. A quorum being present, the motion is agreed to.

Without objection, the Chair's designee is authorized to make a motion under rule 20 with respect to a conference on this bill or a counterpart from the Senate.

Without objection, the Chief of Staff is authorized to make technical and conforming and grammatical changes to the measure adopted by the Committee.

The Committee stands adjourned.

[Whereupon, at 12:30 p.m., the Committee was adjourned.]

A P P E N D I X

October 26, 1999

I

106TH CONGRESS
1ST SESSION

H. R. 1838

To assist in the enhancement of the security of Taiwan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1999

Mr. DELAY (for himself, Mr. ANDREWS, Mr. GILMAN, Mr. DEUTSCH, Mr. ROHRABACHER, Mr. WU, Mr. COX, Mr. JEFFERSON, Mr. DIAZ-BALART, Mrs. LOWEY, Mr. SMITH of New Jersey, Mr. HUNTER, Mr. BURTON of Indiana, Mr. COOK, and Mr. WELDON of Florida) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To assist in the enhancement of the security of Taiwan, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taiwan Security Enhancement Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

1 (1) Since 1949, the close relationship between
2 the United States and Taiwan has been of enormous
3 benefit to both societies.
4 (2) In recent years, Taiwan has undergone a
5 major political transformation, and Taiwan is today
6 a true multiparty democracy with a political system
7 separate from and totally unlike that of the People's
8 Republic of China.
9 (3) The economy of Taiwan is based upon free
10 market principles and is separate and distinct from
11 the People's Republic of China.
12 (4) Although on January 1, 1979, the United
13 States Government withdrew diplomatic recognition
14 of the government on Taiwan as the legitimate gov-
15 ernment of China, neither at that time nor since has
16 the United States Government adopted a formal po-
17 sition as to the ultimate status of Taiwan other than
18 to state that status must be decided by peaceful
19 means. Any determination of the ultimate status of
20 Taiwan must have the express consent of the people
21 on Taiwan.
22 (5) The government on Taiwan no longer
23 claims to be the sole legitimate government of all of
24 China.

1 (6) The Taiwan Relations Act (Public Law 96–
2 8) states that—
3 (A) peace and stability in the Taiwan
4 Strait area are in the political, security, and
5 economic interests of the United States and are
6 of international concern;
7 (B) the decision of the United States to es-
8 tablish diplomatic relations with the People's
9 Republic of China rests upon the expectation
10 that the future of Taiwan will be determined by
11 peaceful means;
12 (C) the United States would consider any
13 effort to determine the future of Taiwan by
14 other than peaceful means, including boycotts
15 or embargoes, a threat to the peace and secu-
16 rity of the Western Pacific region and of grave
17 concern to the United States;
18 (D) the United States will maintain the ca-
19 pacity to resist any form of coercion that jeop-
20 ardizes the security, or the social or the eco-
21 nomic system, of the people on Taiwan; and
22 (E) the preservation and enhancement of
23 the human rights of all the people on Taiwan
24 are objectives of the United States.

1 (7) On the basis of these provisions, the Taiwan
2 Relations Act establishes on the part of the United
3 States a continuing connection with and concern for
4 Taiwan, its people, and their ability to maintain
5 themselves free of coercion and free of the use of
6 force against them. The maintenance by Taiwan of
7 forces adequate for defense and deterrence is in the
8 interest of the United States in that it helps to
9 maintain peace in the Taiwan Strait area.
10 (8) Since 1954, when the United States and
11 Taiwan signed the Mutual Defense Treaty, the
12 United States and Taiwan have maintained a de-
13 fense and security relationship that has contributed
14 greatly to freedom, peace, and stability in Taiwan
15 and the East Asia and Pacific regions.
16 (9) The United States and Taiwan no longer
17 conduct joint training missions, have no direct mili-
18 tary lines of communication, and have only limited
19 military-to-military contacts. This lack of commu-
20 nication and interoperation between the United
21 States and Taiwan hinders planning for the defense
22 of Taiwan and could prove detrimental in the event
23 of future aggression against Taiwan.
24 (10) Since 1979, the United States has contin-
25 ued to sell defensive weapons to Taiwan in accord-

1 ance with the Taiwan Relations Act, and such sales
2 have helped Taiwan maintain its autonomy and free-
3 dom in the face of persistent hostility from the Peo-
4 ple's Republic of China. However, pressures to delay,
5 deny, and reduce arms sales to Taiwan have been
6 prevalent since the signing of the August 17, 1982,
7 communique with the People's Republic of China.
8 Over time, such delays, denials, and reductions could
9 prevent Taiwan from maintaining a sufficient capa-
10 bility for self-defense.

11 (11) As has been affirmed on several occasions
12 by the executive branch of Government, the provi-
13 sions of the Taiwan Relations Act take legal prece-
14 dence over any communique with the People's Re-
15 public of China.

16 (12) The People's Republic of China has con-
17 sistently refused to renounce the use of force against
18 Taiwan and has repeatedly threatened force against
19 Taiwan, including implied threats by unnamed Peo-
20 ple's Republic of China officials on January 10,
21 1999, who warned Taiwan not to participate in the
22 development of theater missile defense capabilities
23 with the United States.

24 (13) The missile firings by the People's Repub-
25 lic of China near Taiwan in August 1995 and March

1996 clearly demonstrate the willingness of the People's Republic of China to use forceful tactics to limit the freedom of the people on Taiwan.

(14) As most nations in East Asia reduce military spending, the People's Republic of China continues a major and comprehensive military buildup.

(15)(A) This military buildup includes the development of advanced ballistic and cruise missiles that will incorporate precision guidance capability and the construction of new imaging, radar, navigation, and electronic intelligence satellites that will help target and guide ballistic and cruise missiles.

(B) According to the Department of Defense report entitled "The Security Situation in the Taiwan Strait", submitted to Congress in February 1999, the size of the missile force of the People's Republic of China is expected to grow substantially and, by 2005, the People's Republic of China will possess an "overwhelming advantage" in offensive missiles vis-a-vis Taiwan.

(C) The Department of Defense has also noted that the People's Republic of China may already possess the capability to damage satellite optical sensors with lasers, is researching advanced anti-satellite lasers that could blind United States intel-

1 ligence satellites, and is procuring radio frequency
2 weapons that disable electronic equipment.
3 (D) These missile and anti-satellite capabilities
4 pose a grave threat to Taiwan.
5 (16) This military buildup also includes the
6 construction or procurement from abroad of ad-
7 vanced naval systems, including Russian Kilo sub-
8 marines that are difficult to detect, Russian tech-
9 nology to assist the development of new nuclear-pow-
10 ered attack submarines, Russian Sovremenny class
11 destroyers armed with supersonic SS–N–22 Sunburn
12 anti-ship missiles, a new long-range, all-weather
13 naval attack aircraft called the JH–7, and new in-
14 digenous land-attack cruise missiles that could be
15 launched from submarines, ships, and naval attack
16 aircraft. These naval capabilities pose a grave threat
17 of blockade to Taiwan.
18 (17) This military buildup also includes the im-
19 provement of air combat capabilities by procuring
20 and co-producing hundreds of Russian Sukhoi Su–
21 27 fighters, seeking to purchase Russian Su–30 all-
22 weather attack aircraft, arming these aircraft with
23 advanced air-to-air missiles such as the Russian R–
24 77 missile and other precision guided munitions,
25 constructing the indigenously designed J–10 fighter,

1 and seeking advanced airborne warning and control
2 systems from abroad. These capabilities pose a grave
3 airborne threat to Taiwan.

4 (18) Because of the introduction of advanced
5 submarines into the Taiwan Strait area by the Peo-
6 ple's Republic of China and the increasing capability
7 of the People's Republic of China to blockade Tai-
8 wan, Taiwan needs to acquire diesel-powered sub-
9 marines in order to maintain a capability to counter
10 a blockade, to conduct antisubmarine warfare train-
11 ing, and for other purposes.

12 (19) Because of the democratic form of govern-
13 ment on Taiwan and the historically nonaggressive
14 foreign policy of Taiwan, it is highly unlikely that
15 Taiwan would use submarines in an offensive man-
16 ner.

17 (20) The current defense relationship between
18 the United States and Taiwan is deficient in terms
19 of its capacity over the long term to counter and
20 deter potential aggression against Taiwan by the
21 People's Republic of China.

22 **SEC. 3. SENSE OF CONGRESS.**

23 (a) TRAINING OF TAIWAN MILITARY OFFICERS.—It
24 is the sense of Congress that the Secretary of Defense and
25 the Secretaries of the military departments should make

1 every effort to reserve additional positions for Taiwan
2 military officers at the National Defense University and
3 other professional military education schools specified in
4 section 2162(d) of title 10, United States Code, and for
5 prospective Taiwan military officers at the United States
6 Military Academy, the United States Naval Academy, and
7 the Air Force Academy.

8 (b) FOREIGN MILITARY SALES.—It is the sense of
9 Congress that the Secretary of State should, when consid-
10 ering foreign military sales to Taiwan—

11 (1) take into account the special status of Tai-
12 wan; and

13 (2) make every effort to ensure that Taiwan
14 has full and timely access to price and availability
15 data for defense articles and defense services.

16 **SEC. 4. DETERMINATIONS OF DEFENSE NEEDS OF TAIWAN.**

17 (a) INCREASE IN TECHNICAL STAFF OF THE AMER-
18 ICAN INSTITUTE IN TAIWAN.—Upon the request of the
19 Defense Security Cooperation Agency, the President shall
20 use funds available to the Department of Defense under
21 the Arms Export Control Act for the assignment or detail
22 of additional technical staff to the American Institute in
23 Taiwan.

24 (b) ANNUAL REPORTS.—Beginning 60 days after the
25 next round of arms talks between the United States and

1 Taiwan, and annually thereafter, the President shall sub-
2 mit a report to Congress—
3 (1) detailing each of Taiwan's requests for pur-
4 chase of defense articles and defense services during
5 the one-year period ending on the date of the report;
6 (2) describing the defense needs asserted by
7 Taiwan as justification for those requests; and
8 (3) describing any decision to reject, postpone,
9 or modify any such request that was made during
10 the one-year period ending on the date of the report,
11 the level at which the final decision was made, and
12 a justification for the decision.

13 **SEC. 5. STRENGTHENING THE DEFENSE OF TAIWAN.**

14 (a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE
15 CAPABILITIES OF TAIWAN.—Congress finds that any de-
16 termination of the nature or quantity of defense articles
17 or defense services to be made available to Taiwan that
18 is made on any basis other than the defense needs of Tai-
19 wan, whether pursuant to the August 17, 1982, Commu-
20 nique signed with the People's Republic of China, or any
21 similar executive agreement, order, or policy would violate
22 the intent of Congress in the enactment of section 3(b)
23 of the Taiwan Relations Act (22 U.S.C. 3302(b)).
24 (b) PLAN REGARDING COMBINED TRAINING AND
25 PERSONNEL EXCHANGE PROGRAMS.—

1 (1) DEVELOPMENT.—The Secretary of Defense,
2 in consultation with the Secretary of State, shall de-
3 velop a plan for the enhancement of programs and
4 arrangements for operational training and exchanges
5 of personnel between the Armed Forces of the
6 United States and the armed forces of Taiwan for
7 work in threat analysis, doctrine, force planning,
8 operational methods, and other areas. The plan shall
9 provide for exchanges of officers up to and including
10 general and flag officers in the grade of O–10.
11 (2) REPORT.—Not later than 180 days after
12 the date of enactment of this Act, the Secretary of
13 Defense shall submit a report to Congress, in classi-
14 fied or unclassified form, containing the plan re-
15 quired under paragraph (1).
16 (3) IMPLEMENTATION.—Not later than 210
17 days after the date of enactment of this Act, the
18 Secretary of Defense shall implement the plan re-
19 quired under paragraph (1).
20 (c) COMMUNICATIONS BETWEEN UNITED STATES
21 AND TAIWAN MILITARY COMMANDS.—Not later than 180
22 days after the date of enactment of this Act, the Secretary
23 of Defense shall establish secure direct communications
24 between the United States Pacific military command and
25 the Taiwan military command.

1 (d) MISSILE DEFENSE EQUIPMENT.—Subject to sub-
2 section (h), the President is authorized to make available
3 for sale to Taiwan, at reasonable cost, theater missile de-
4 fense equipment and related items, including—
5 (1) ground-based and naval-based missile de-
6 fense systems; and
7 (2) reconnaissance and communications sys-
8 tems, as may be necessary to target and cue missile
9 defense systems sold to Taiwan.
10 (e) SATELLITE EARLY WARNING DATA.—Subject to
11 subsection (h), the President is authorized to make avail-
12 able for sale to Taiwan, at reasonable cost, satellite early
13 warning data.
14 (f) AIR DEFENSE EQUIPMENT.—Subject to sub-
15 section (h), the President is authorized to make available
16 for sale to Taiwan, at reasonable cost, modern air-defense
17 equipment, including the following:
18 (1) AIM–120 AMRAAM air-to-air missiles.
19 (2) Additional advanced fighters and airborne
20 warning and control systems (AWACS).
21 (3) Equipment to better defend airfields from
22 air and missile attack.
23 (4) Communications infrastructure that enables
24 coordinated joint-force air defense of Taiwan.

1 (g) NAVAL DEFENSE SYSTEMS.—Subject to sub-
2 section (h), the President is authorized to make available
3 for sale to Taiwan, at reasonable cost, defensive systems
4 that counter the development by the People's Republic of
5 China of new naval capabilities, including defense systems
6 such as—
7 (1) diesel-powered submarines;
8 (2) anti-submarine systems, including airborne
9 systems, capable of detecting new Kilo and advanced
10 Chinese nuclear submarines;
11 (3) naval anti-missile systems, including Aegis
12 destroyers, capable of defeating foreign supersonic
13 anti-ship missiles; and
14 (4) communications systems that better enable
15 Taiwan to conduct joint-force naval defense oper-
16 ations.
17 (h) RELATION TO ARMS EXPORT CONTROL ACT.—
18 Nothing in this section supersedes or modifies the applica-
19 tion of section 36 of the Arms Export Control Act to the
20 sale of any defense article or defense service under this
21 section.

○

AMENDMENT IN THE NATURE OF SUBSTITUTE TO H.R. 1838 OFFERED BY MR. GILMAN AND MR. GEJDENSON

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Taiwan Security En-
3 hancement Act".

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) Since 1949, the close relationship between
7 the United States and Taiwan has been of enormous
8 benefit to both societies.

9 (2) In recent years, Taiwan has undergone a
10 major political transformation, and Taiwan is today
11 a true multiparty democracy with a political system
12 separate from and totally unlike that of the People's
13 Republic of China.

14 (3) The economy of Taiwan is based upon free
15 market principles and is separate and distinct from
16 the People's Republic of China.

17 (4) Although on January 1, 1979, the United
18 States Government withdrew diplomatic recognition
19 of the government on Taiwan as the legitimate gov-
20 ernment of China, neither at that time nor since has

1 the United States Government adopted a formal po-
2 sition as to the ultimate status of Taiwan other than
3 to state that status must be decided by peaceful
4 means. Any determination of the ultimate status of
5 Taiwan must have the express consent of the people
6 on Taiwan.

7 (5) The People's Republic of China refuses to
8 renounce the use of force against democratic Tai-
9 wan.

10 (6) The Taiwan Relations Act has been instru-
11 mental in maintaining peace, security, and stability
12 in the Taiwan Strait and the Western Pacific since
13 its enactment in 1979.

14 (7) The Taiwan Relations Act (Public Law 96–
15 8) states that—

16 (A) peace and stability in the Taiwan
17 Strait area are in the political, security, and
18 economic interests of the United States and are
19 of international concern;

20 (B) the decision of the United States to es-
21 tablish diplomatic relations with the People's
22 Republic of China rests upon the expectation
23 that the future of Taiwan will be determined by
24 peaceful means;

1 (C) the United States would consider any
2 effort to determine the future of Taiwan by
3 other than peaceful means, including boycotts
4 or embargoes, a threat to the peace and secu-
5 rity of the Western Pacific region and of grave
6 concern to the United States;
7 (D) the United States will maintain the ca-
8 pacity to resist any form of coercion that jeop-
9 ardizes the security, or the social or economic
10 system, of the people of Taiwan; and
11 (E) the preservation and enhancement of
12 the human rights of all people on Taiwan are
13 objectives of the United States.
14 (8) The Taiwan Relations Act establishes on
15 the part of the United States a continuing connec-
16 tion with and concern for Taiwan and its people.
17 Continued adherence to the Act will help Taiwan to
18 maintain its democracy free of coercion and to safe-
19 guard its people from the use of force against them.
20 Furthermore, the maintenance by Taiwan of forces
21 adequate for its defense is in the interest of the
22 United States in that it helps to maintain peace in
23 the Western Pacific region.
24 (9) The military modernization and weapons
25 procurement efforts by the People's Republic of

1 China, as documented in the February 1, 1999, re-
2 port by the Secretary of Defense on "The Security
3 Situation in the Taiwan Strait", could threaten
4 cross-Strait stability and United States interests in
5 the Asia-Pacific region.
6 (10) The Taiwan Relations Act provides explicit
7 guarantees that the United States will make avail-
8 able defense articles and services necessary in such
9 quantity as may be necessary to enable Taiwan to
10 maintain a sufficient self-defense capability.
11 (11) The Taiwan Relations Act requires timely
12 reviews by United States military authorities of Tai-
13 wan's defense needs in connection with recommenda-
14 tions to the President and the Congress.
15 (12) Congress and the President are committed
16 by the Taiwan Relations Act to determine the nature
17 and quantity of Taiwan's legitimate self-defense
18 needs.
19 (13) It is the policy of the United States to re-
20 ject any attempt to curb the provision by the United
21 States of defense articles and services legitimately
22 needed for Taiwan's self-defense.
23 (14) In accordance with the Taiwan Relations
24 Act, the United States has, since 1979, sold defen-
25 sive weapons to Taiwan, and such sales have helped

1 Taiwan maintain its autonomy and freedom. The
2 Congress supports the continued provision of addi-
3 tional defense articles and defense services in ac-
4 cordance with the Taiwan Relations Act.
5 (15) It is in the national interest of the United
6 States to eliminate ambiguity and convey with clar-
7 ity continued United States support for Taiwan, its
8 people, and their ability to maintain their democracy
9 free from coercion and their society free from the
10 use of force against them. Lack of clarity could lead
11 to unnecessary misunderstandings or confrontations
12 between the United States and the People's Republic
13 of China, with grave consequences for the security of
14 the Western Pacific region.
15 (16) A possible consequence of such ambiguity
16 and lack of clarity was the People's Republic of Chi-
17 na's decision to conduct military exercises and live
18 fire missile tests in the Taiwan Strait in March
19 1996, necessitating House Concurrent Resolution
20 148, approved by the House of Representatives by a
21 vote of 369–14 on March 19, 1996, and by the Sen-
22 ate by a vote of 97–0 on March 21, 1996, which
23 stated that "the United States, in accordance with
24 the Taiwan Relations Act and the constitutional
25 process of the United States, and consistent with its

1 friendship with and commitment to the democratic
2 government and people of Taiwan, should assist in
3 defending them against invasion, missile attack, or
4 blockade by the People's Republic of China.". Imme-
5 diately following Congressional passage of House
6 Concurrent Resolution 148, the United States de-
7 ployed on an emergency basis two aircraft carrier
8 battle groups to the Taiwan Strait, after which the
9 People's Republic of China ceased further planned
10 military exercises.
11 (17) An earlier consequence of such ambiguity
12 and lack of clarity was the expressed surprise by the
13 People's Republic of China that Congress and the
14 American people fully supported President Lee
15 Teng-hui's private visit to his alma mater, Cornell
16 University, necessitating House Concurrent Resolu-
17 tion 53, approved by the House of Representatives
18 by a vote of 390–0 on May 2, 1995, and by the Sen-
19 ate by a vote of 97–1 on May 9, 1995, which stated
20 such support explicitly.

21 **SEC. 3. TRAINING OF MILITARY OFFICERS AND SALE OF**
22 **DEFENSE ARTICLES AND SERVICES TO TAI-**
23 **WAN.**

24 (a) TRAINING OF TAIWAN MILITARY OFFICERS.—
25 The Secretary of Defense and the Secretaries of the mili-

1 tary departments shall make every effort to reserve addi-
2 tional positions for Taiwan military officers at the Na-
3 tional Defense University and other professional military
4 education schools specified in section 2162(d) of title 10,
5 United States Code, and for prospective Taiwan military
6 officers at the United States Military Academy, the United
7 States Naval Academy, and the Air Force Academy.

8 (b) FOREIGN MILITARY SALES.—The Secretary of
9 State shall, when considering foreign military sales to
10 Taiwan—

11 (1) take into account the special status of Tai-
12 wan, including the defense needs of Taiwan in re-
13 sponse to the military modernization and weapons
14 procurement efforts by the People's Republic of
15 China; and

16 (2) make every effort to ensure that Taiwan
17 has full and timely access to price and availability
18 data for defense articles and defense services.

19 **SEC. 4. DETERMINATIONS OF DEFENSE NEEDS OF TAIWAN.**

20 (a) INCREASE IN TECHNICAL STAFF OF THE AMER-
21 ICAN INSTITUTE IN TAIWAN.—Upon the request of the
22 Defense Security Cooperation Agency, the President shall
23 use funds available to the Department of Defense under
24 the Arms Export Control Act for the employment of addi-
25 tional technical staff at the American Institute in Taiwan.

1 (b) ANNUAL REPORTS.—Beginning 60 days after the
2 next round of arms talks between the United States and
3 Taiwan, and annually thereafter, the President shall sub-
4 mit a report to Congress, in classified and unclassified
5 form—
6 (1) detailing each of Taiwan's requests for pur-
7 chase of defense articles and defense services during
8 the one-year period ending on the date of the report;
9 (2) describing the defense needs asserted by
10 Taiwan as justification for those requests; and
11 (3) describing the decision-making process used
12 to reject, postpone, or modify any such request.
13 **SEC. 5. STRENGTHENING THE DEFENSE OF TAIWAN.**
14 (a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE
15 CAPABILITIES OF TAIWAN.—Congress finds that any de-
16 termination of the nature or quantity of defense articles
17 or defense services to be made available to Taiwan that
18 is made on any basis other than section 3(b) of the Taiwan
19 Relations Act (22 U.S.C. 3302(b)), whether such alter-
20 native basis is the August 17, 1982, communique signed
21 with the People's Republic of China, or any similar execu-
22 tive agreement, order, or policy, would violate the intent
23 of Congress in the enactment of such Act.
24 (b) COMBINED TRAINING AND PERSONNEL EX-
25 CHANGE PROGRAMS.—Not later than 210 days after the

1 date of enactment of this Act, the Secretary of Defense
2 shall implement a plan for the enhancement of programs
3 and arrangements for operational training and exchanges
4 of senior officers between the Armed Forces of the United
5 States and the armed forces of Taiwan for work in threat
6 analysis, doctrine, force planning, operational methods,
7 and other areas. At least 30 days prior to such implemen-
8 tation, the Secretary of Defense shall submit the plan to
9 Congress, in classified and unclassified form.

10 (c) REPORT REGARDING MAINTENANCE OF SUFFI-
11 CIENT SELF-DEFENSE CAPABILITIES.—Not later than 45
12 days after the date of the enactment of this Act, and annu-
13 ally thereafter, the Secretary of Defense shall submit to
14 the Congress, in classified and unclassified form, an an-
15 nual report on the security situation in the Taiwan Strait.
16 Such report shall include an analysis of the military forces
17 facing Taiwan from the People's Republic of China, evalu-
18 ating recent additions to the offensive military capability
19 of the People's Republic of China. The report shall in-
20 clude, but not be limited to, an analysis of the surface
21 and subsurface naval threats, the ballistic missile threat,
22 the air threat, and the threat to the military and civilian
23 communications links in Taiwan. The report shall include
24 a review of the steps taken by the armed forces of Taiwan
25 to address its security situation.

1 (d) COMMUNICATIONS BETWEEN UNITED STATES
2 AND TAIWAN MILITARY COMMANDS.—Not later than 180
3 days after the date of the enactment of this Act, the Sec-
4 retary of Defense shall certify to the Committee on Inter-
5 national Relations and the Committee on Armed Services
6 of the House of Representatives and the Committee on
7 Foreign Relations and the Committee on Armed Services
8 of the Senate that direct secure communications exist be-
9 tween the armed forces of the United States and the
10 armed forces of Taiwan.

11 (e) RELATION TO ARMS EXPORT CONTROL ACT.—
12 Nothing in this section supersedes or modifies the applica-
13 tion of section 36 of the Arms Export Control Act to the
14 sale of any defense article or defense service under this
15 section.

16 **SEC. 6. REPORT REGARDING THE ABILITY OF THE UNITED**
17 **STATES TO RESPOND IN ASIA-PACIFIC CON-**
18 **TINGENCIES THAT INCLUDE TAIWAN.**

19 (a) REPORT.—Not later than 180 days after the date
20 of the enactment of this Act, and updated as appropriate,
21 the Secretary of Defense shall prepare and submit to the
22 chairmen and ranking minority members of the Com-
23 mittee on International Relations and the Committee on
24 Armed Services of the House of Representatives and the
25 Committee on Foreign Relations and the Committee on

1 Armed Services of the Senate a report in classified and
2 unclassified form on the ability of the United States to
3 successfully respond to a major contingency in the Asia-
4 Pacific region where United States interests on Taiwan
5 are at risk.

6 (b) CONTENTS.—The report described in subsection
7 (a) shall include—

8 (1) a description of planning on the national,
9 operational, and tactical levels to respond to, pros-
10 ecute, and achieve United States strategic objectives
11 with respect to a major contingency described in
12 subsection (a); and

13 (2) a description of the confidence level of the
14 Secretary of Defense in United States military capa-
15 bilities to successfully respond to such a contingency.

16 (c) PREPARATION OF REPORT.—In preparing the re-
17 port under subsection (a), the Secretary of Defense shall
18 use the resources and expertise of the relevant unified
19 commands, military departments, the combat support
20 agencies, and the defense components of the intelligence
21 community, as required, and other such entities within the
22 Department of Defense as the Secretary considers nec-
23 essary.

The Honorable Dana Rohrabacher
Taiwan Security Enhancement Act
October 26, 1999

Mr. Chairman, the Taiwan Security Enhancement Act sends a necessary signal to Beijing and to the Executive Branch that the Congress supports the Republic of China on Taiwan. Indeed, if those in the Administration responsible for implementing the original Taiwan Relations Act had performed their responsibilities in good faith, the Taiwan Security Enhancement Act would not be necessary.

Unfortunately, the Executive Branch's major concern in dealing with Taiwan's security requirements has been keeping China happy, even if that meant denying Taipei items deemed necessary for its security by our own military.

The PRC now refuses to renounce the use of force, and in recent years has built up its military forces, particularly its ballistic missiles, aimed at Taiwan. It is the Communist Chinese who are threatening military action.

We need to restate and reconfirm our determination to see that Taiwan has what it legitimately needs for an adequate deterrent.

We ask for trouble when America is ambiguous on this point. Unless Taiwan has a credible self-defense capability, as envisioned in the Taiwan Relations Act, we are promoting instability and increasing the chances that Beijing will employ force against Taiwan.

That is why I support the Gilman amendment to this bill. There are several provisions in this bill that address our lack of contact with Taiwan's military.

Although mechanisms exist for making arms sales and providing Taiwan intelligence within the framework of our unofficial relationship, there has never been a provision for assisting Taiwan's military on operational matters and field training exercises. The Department of State and others in the Administration forbid such contact. This bill seeks to remedy this shortcoming.

The same is true for direct communications links. Direct communication between Taiwan and CINCPAC is not a political question, but a military necessity.

This bill will open up those vital communication links that could save American lives in a future conflict. For example, this bill, on page 9, opens up contact with senior American officers with their Taiwanese counterparts. Today generals and admirals can't communicate about a possible conflict or a current threat. This bill takes care of that problem, ensuring we will be prepared thus there will be an adequate deterrant.

Much the same is true in the area of missile defense.

The leaders in Beijing are particularly agitated by the idea that we might provide Taiwan's military information on missile launches headed in their direction. Why shouldn't Taiwan's military get this data on incoming missiles? And why can't the United States play a role in providing this vital information? The only answer the Administration gives us is that it would upset Beijing.

In short, America needs to clearly state our positions and commitments concerning the Republic of China on Taiwan.

The Taiwan Security Enhancement Act does that and is a reminder to our own officials and to Beijing that US policy, as determined by the Taiwan Relations Act, is to be crafted by both the Administration and the Congress. I urge my colleagues to support the bill which will push American policy toward a more realistic stance to address one of the most serious challenges we confront today.