TAIWANESE SELF-DEFENSE CAPABILITY

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 676) declaring that it shall continue to be the policy of the United States, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 676

Whereas relations between the United States and Taiwan are governed by the Taiwan Relations Act (22 U.S.C. 3301 et seq.; Public Law 96–8), three joint communiqués, and the Six Assurances;

Whereas the Taiwan Relations Act has governed United States arms sales to Taiwan since 1979, when the United States extended diplomatic recognition to the People's Republic of China;

Whereas the Taiwan Relations Act specifies that it is United States policy, among other things, to consider any non-peaceful means to determine Taiwan's future ''a threat'' to the peace and security of the Western Pacific and of ''grave concern'' to the United States; ''to provide Taiwan with arms of a defensive character;'' and ''to maintain the capacity of the United States to resist any resort to force or other forms of coercion'' jeopardizing the security, or social or economic system of Taiwan's people;

Whereas section 3(a) of the Taiwan Relations Act states that ''the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability'';

Whereas section 3(b) of the Taiwan Relations Act stipulates that both the President and the Congress shall determine the nature and quantity of such defense articles and services ''based solely'' upon their judgment of the needs of Taiwan;

Whereas Taiwan's 2007 defense budget included approximately $488,000,000 to begin the process of procuring 66 new United States-origin F–16C/D fighters, pending United States price and availability data;

Whereas after October 31, 2007, those funds will no longer be available to begin the process of procuring the F–16C/D fighters;

Whereas the Taiwanese Defense Ministry has requested and the Executive Yuan (cabinet) approved in August 2007 a 2008 defense budget that includes approximately $764,000,000 for the second year's budget for F–16C/D fighters;

Whereas notwithstanding the requirements of the Taiwan Relations Act, the Bush Administration has not been responsive to Taiwan's clear expression of interest in receiving price and availability data for the F–16C/D fighters; and

Whereas in its annual, congressionally mandated report on China's Military Power (most recently released in May 2007) the Department of Defense concluded that China is greatly improving its military, with those improvements largely focused on a Taiwan contingency, and that this build-up poses an increasing threat to Taiwan and ultimately to the United States military presence in Asia: Now, therefore, be it

Resolved, That—

(1) it shall continue to be the policy of the United States, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability; and

(2) the United States should determine the nature and quantity of such defense articles and services ''based solely'' upon the legitimate defense needs of Taiwan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHERMAN. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I would like to thank my distinguished colleague, the ranking member of the Foreign Affairs Committee, ILEANA ROS-LEHTINEN of Florida, for introducing this important resolution and Chairman LANTOS, Chair of the Foreign Affairs Committee, for moving this to the floor.

When it comes to military sales to Taiwan, U.S. policy is clear: We must ensure that the thriving democracy of Taiwan has the capacity necessary to defend itself from outside threats.

We in the United States provide defensive military equipment to Taiwan, not just because it is right to aid our democratic friends, but because it is the law of the land under the Taiwan Relations Act. The Taiwan Relations Act, which has been the core of our policy toward Taiwan for almost 3 decades, also states clearly that the United States should base its decision on whether to supply defensive military equipment to Taiwan solely on the basis of the security needs of the Taiwanese military, not on the basis of political concerns.

In the context of these guiding principles, the administration currently has before it a decision on whether to sell F–16C/D fighters to Taiwan, fighters which Taiwan has expressed a clear interest in purchasing and for whose purchase they have budgeted $488 million in their 2007 defense budget and another $764 million in their budget for 2008.

The answer of the United States should be obvious. We should agree to sell the fighters without delay. Yet the administration has dragged its feet and failed even to respond to our Taiwanese friends; and this, in spite of the fact that under Taiwanese laws the funds for the fighters will no longer be available after October 31 of this year. If we do not offer to sell the planes by that date, the rules governing Taiwanese defense spending require that these funds be deleted from their budget.

Some have argued that this delay is justified because in a tense political season in Taiwan, the United States does not want to be seen as taking sides in the upcoming Taiwanese election. This assertion is wrongheaded and shortsighted in the extreme. This resolution in no way indicates support for one political party or another.

Furthermore, under the Taiwan Relations Act, we are supposed to make our decision based upon the needs of the Taiwanese military, not based on some argument that we would be falsely seen as supporting one political party or another, which, of course, is hardly the case if we decide to follow our own law and provide the Taiwanese military with the planes they need for military security.

I support this resolution and the sale of the F–16C/Ds to Taiwan so that the people of Taiwan can protect their democracy and to advance our security interests in East Asia. My support does not in any way indicate support for any candidate in Taiwan for any elected office, nor would selling these planes or agreeing to sell them indicate the support of the United States Government for any particular political party or candidate.

There are still others who claim that the F–16 sale, and this resolution, will upset the balance of the Taiwan Strait. Taiwan already has F–16 aircraft, so these additional planes will hardly upset the balance between Taiwan and China.

Moreover, no one puts forward the idea that Taiwan is today going to invade the mainland. It is obvious that the weapons Taiwan acquires are for defense, not for offense, and so a country acquiring military weapons to defend itself is not upsetting the balance of power but, rather, preserving the military status quo, preserving stability and peace.

I would also point out that the Taiwan Relations Act and our arms sales under this act have been instrumental in maintaining peace and security across the Taiwan Straits and in East Asia for 30 years.

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Under this peace, Taiwan developed from authoritarian rule into a robust and lively democracy. Taiwan has asked our assistance in defending itself, and it deserves from us the respect of a prompt response.

I strongly support this resolution and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 676, a resolution reiterating that it is the policy of the United States to make available to Taiwan such defense articles and services as may be necessary for its self-defense.

At the outset, I want to thank Chairman LANTOS and the gentlewoman from Florida, the author of this resolution; Mr. LANTOS being the cosponsor; as well as many other members from the Foreign Affairs Committee and the Taiwan Caucus.

Mr. Speaker, this is a very straightforward resolution. It simply says that the executive branch should follow the law, in this case the Taiwan Relations Act, TRA, of 1979, and make available to our friends in that vibrant democracy such defense articles as may be necessary for their self-defense.

While the Chinese Air Force and Navy continue to be upgraded with modern Russian-made combat aircraft, Taiwan's Air Force is literally falling from the sky. In fact, some 17 obsolete F–5 fighters have crashed in the last 10 years, including one this May which killed a number of Singaporean servicemen.

Yet despite Taiwan's clearly compelling needs and the fact that Taipei has not only increased defense spending but also has budgeted and appropriated for the F–16s, the United States is refusing to respond to Taiwan's entirely legitimate request for military sales. In so doing, the clear intent of Congress and the law of the land as articulated in the TRA is obviously being ignored.

In this regard, section 3(b) of TRA stipulates that both the President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan.

In life there are times when you can outthink yourself by overanalyzing issues and events, hoping to find that perfect moment to make a major decision. This is one of those times. Given China's ongoing and notorious military buildup, as well as its ceaseless efforts to isolate and belittle Taiwan, there will never be an ideal time for the United States to make defense sales to this island. The ideal time, obviously, is when the time is right, which is now.

The reality is that any major U.S. sale at any time will be objected to by the Chinese Communist regime. Should that affect our commitment to the stability of the Taiwan Strait? Mr. Speaker, are we timid because of China? Likewise, should our defense commitment to Taiwan be held hostage to a clash of personalities, the political season in Taiwan, or Washington's desire to accommodate Beijing?

In conclusion, this commonsense resolution simply says that consistent with the Taiwan Relations Act, the TRA, the United States should make decisions about prospective arms sales to this island based upon Taiwan's legitimate self-defense needs and our assessment of the relative balance of power in the Western Pacific.

I urge the adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada, a member of the Veterans' Affairs Committee and the Ways and Means Committee, the very distinguished and dapper Ms. BERKLEY.

Ms. BERKLEY. I thank the subcommittee chairman for that very lovely introduction.

Mr. Speaker, I rise in support of this important resolution, in support of a U.S. ally and a fellow democracy.

For ever 50 years, Taiwan and the United States have enjoyed a strong political and economic partnership. Taiwan is our eighth largest trading partner with almost $60 billion in bilateral trade. In the last two decades, we have watched Taiwan blossom into one of the world's leading democracies, holding a number of open, fair, and internationally approved elections. Its constitution guarantees fundamental freedoms and civil liberties and ensures all citizens have a voice in local and national affairs.

Mr. Speaker, in an age of terrorism and political violence, it is absolutely imperative that the United States stands up for peaceful and free countries around the globe. We must make certain our fellow democracies can determine their own destinies at the ballot box without fear of attack or violence. And as this resolution states, we must continue to provide Taiwan with the ability to defend itself, to safeguard the expansion of democracy on that island and in its region in the coming years.

Taiwan is a vibrant democracy, a trusted ally, a strategic partner of the United States. It is imperative, I repeat, that we signal our support for the world to see that America stands with its fellow democracy and will defend against any threat of military aggression.

I urge support for this resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the gentlelady from Florida, our senior Ranking Member of this Committee for her authorship of H. Res. 676, just as I commend Chairman LANTOS also and other Members of this Committee who are supporting this Resolution. Having said this, my question is, is it necessary?

I have serious concerns about H. Res. 676 which declares that is should continue to be the policy of the United States, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability.

The Taiwan Relations Act of 1978 has always been the basis of how our country has defined its relationship with Taiwan, and there has been no change in the provisions of this Act. The Act allows for the sale of arms to assist Taiwan with its defense capabilities against its enemies which it considers to be the People's Republic of China (PRC).

Why then is H. Res. 676 necessary? I also question H. Res. 676 being put forward at a time when all of us know that the situation between Taiwan and China has been extremely tense for weeks and months. While I respect my colleagues' view on H. Res. 676, I disagree with this course of action. We all know that H. Res. 676 is a nonbinding resolution that does not oblige our Government to act but only serves to add fuel to the fire, or exacerbate already tense relations between Taiwan and Beijing. Again, I ask, is this Resolution necessary?

Some 15 times now, Taiwan has sought and failed to be formally recognized by the United Nations, and this has caused a heated exchange of responses even among Members of this body. I just returned from Taiwan where I met with Taiwan's President, and the opposition party. I also recently visited China where I met with the Vice President, and other government officials. When I say that relations are tense, I mean it. From both sides, the situation between Taiwan and Beijing is quickly becoming a confrontation which may lead to an outcome none of us wants.

I am certain that all of us are committed to a course of action which will avert a crisis, and bring about a peaceful solution in the Taiwan Straits. But I do not believe H. Res. 676 gets us where we want to go. H. Res. 676 is just a reminder that an arms deal is still pending and it is pending because the Administration is having difficulties persuading Taiwan not to seek membership with the UN. Obviously, Taiwan is not listening and does not care what this may mean for the United States and our important, strategic relationship with Beijing.

The fact is there is a difference of opinion among the people and leaders of Taiwan about what position Taiwan should take towards Beijing. One of the two major parties advocates peaceful coexistence with the PRC. The other major party and its leaders keep pushing the envelope to the point of forcing Beijing's hand which led to President Clinton having to send two naval battle groups to the Taiwan Straits and almost led to a nuclear confrontation with Beijing. I wonder if my colleagues want to go through this again.

Last time, Beijing backed off. But will Beijing back off again? With implications as serious as this, I am hopeful that we will not move forward with this resolution until we have had time to consider a more thoughtful approach, and until Taiwan has time to hold its elections next March.

For now, H. Res. 626 can potentially influence the outcome of those elections, as could the sell of F–16s. I suspect this is probably one of the reasons the Administration has been reluctant to proceed with the sale of F–16 fighter jets to Taiwan because the Administration also recognizes we should give the people of Taiwan time to determine their future status before acting in ways that could set off a chain reaction in this volatile region of the world.

All of us, including Taiwan, know that our United States foreign policy has always been to accept the One-China concept whereby Beijing and Taiwan are to work out their political differences through peaceful means. This said, Taiwan has made significant progress towards a pluralistic and democratic form of government. Taiwan enjoys a free market system and economy that ranks among the top fifteen economies in the world. Taiwan also enjoys one of the highest standards of living in the world.

Currently, Taiwan conducts over $100 billion in unofficial trade with Beijing. Over the years, millions of Taiwanese have also been able to freely travel to Beijing to be reunited with their families and friends.

Beijing is also moving towards a more free market system. China has become one of the

top five economies in the world, despite its Socialist Marxist ideology that puts a limitation on greater freedom for its citizens and transparency in government. Beijing is doing its best to feed more than 1 billion people, and we must also credit Beijing for bringing North Korea to the negotiating table, thwarting North Korea's efforts to produce nuclear weapons of mass destruction.

Mr. Speaker, do we want to build on the positive? Do we want to avert a crisis? Or, do we want to add fuel to the fire? I submit that H. Res. 626 tilts favorably towards Taiwan, and I suggest to my colleagues that we ought not to pursue this course of action anymore than we should adopt legislation or resolutions that favor China over Taiwan.

Having said this, I will not oppose this resolution but I will again ask if it is necessary and, in closing, I will suggest that it is not. I will also suggest that it is in our interest to work collectively and bilaterally with both Taiwan and China to prevent another standoff in the Taiwan Straits.

Mrs. CHRISTENSEN. Mr. Speaker, I stand before you today in support of our continued support and defense of Taiwan. The United States has stood on the forefront of making the World safe and as a protector of democratic freedoms. To that end, Taiwan has emerged as flag bearer of not only democratic principles but as a strong economic partner.

Although Taiwan enjoys a robust economy and has a strong trade-relationship with countries within Asia they do not have the ability to defend themselves militarily if the need arises. The United States has played a major part in the development of Taiwan's economy over the past 40 years. In order to continue this relationship, we should help to guarantee their safety.

On a recent trip to Taiwan, I was pleased to learn of the great strides they have made in a short period of time to become such a powerful economic power. Although they have an aggressive economy, they have also developed a society built on the safety and health of its citizens. A first class government funded healthcare system that provides service to over 90 percent of its people, speaks to their commitment to its citizens. A bustling industrial sector where the creation of new innovations for an ever increasing technological world is a top priority. They are also fulfilling their commitment to a secure international port with 21st century safeguards to ensure that all shipments are properly inspected and tracked before transshipment to other parts of the world.

Recently, I participated in a ceremony in the Capitol where agreements Taiwan has made to purchase billions of dollars in U.S. agricultural goods over the next several years were signed. I was a signatory to several of them as a witness.

Taiwan's continued commitment to trade in good faith with the United States should not be one sided and we should do our part in upholding our agreement with them as it pertains to the Taiwan Relations Act. I am in full support of H. Res. 676 and ask my colleagues to support the resolution and Taiwan.

Mr. POE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and agree to the resolution, H. Res. 676.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FOREIGN SERVICE VICTIMS OF TERRORISM ACT OF 2007

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2828) to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2828

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 ''Foreign Service Victims of Terrorism Act of 2007''.

SEC. 2. DEATH GRATUITY.

Section 413 of the Foreign Service Act of 1980 (22 U.S.C. 3973) is amended—

(1) in subsection (a), in the first sentence, by striking ''at the time of death'' and inserting ''at level II of the Executive Schedule at the time of death, except that in the case of foreign national employees, foreign nationals appointed under section 303, and locally employed staff the amount shall be equal to one year's basic salary at the highest step of the highest grade on the local compensation plan of the country in which the foreign national or locally employed staffer was being paid'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection:

''(d) In addition to a death gratuity payment under subsection (a), the Secretary or the head of the relevant United States Government agency is authorized to provide for payment to the surviving dependents of a Foreign Service employee or a Government executive branch employee, if such Foreign Service employee or Government executive branch employee is subject to the authority of the chief of mission pursuant to section 207, of an amount equal to a maximum of eight times the salary of such Foreign Service employee or Government executive branch employee if such Foreign Service employee or Government executive branch employee is killed as a result of an act of international terrorism. Such payment shall be accorded the same treatment as a payment made under subsection (a). For purposes of this subsection, the term 'act of international terrorism' has the meaning given such term in section 2331(1) of title 18, United States Code.''.

SEC. 3. PAYMENTS TO FAMILIES OF CERTAIN VICTIMS OF TERRORISM.

Subject to the availability of appropriations specifically for the purpose specified in this section as provided in appropriations Acts enacted on or after October 1, 2007, and notwithstanding any other provision of law, the Secretary of State shall pay the maximum amount of payment under section 413(d) of the Foreign Service Act of 1980 (as amended by section 2(3) of this Act) to an individual described in such section 413(d) or to an individual who was otherwise serving at a United States diplomatic or consular mission abroad without a regular salary who was killed as a result of an act of international terrorism (as such term is defined in section 2331(1) of title 18, United States Code) that occurred between January 1, 1998, and the date of the enactment of this Act, including the victims of the bombing of August 7, 1998, in Nairobi, Kenya. Such a payment shall be deemed to be a payment under section 413(d) of the Foreign Service Act of 1980, except that for purposes of this section, such payment shall, with respect to a United States citizen receiving payment under this section, be in an amount equal to ten times the salary specified in this section. For purposes of this section and section 413(d) of such Act, with respect to a United States citizen receiving payment under this section, the salary to be used for purposes of determining such payment shall be $94,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this bill. The legislation before us recognizes one of the most tragic and unfortunate incidents in the history of the Department of State. It has been more than 9 years since the brutal bombings of our embassies in Kenya and Tanzania occurred. Twelve Americans perished in these terrorist attacks, and many other foreign nationals did in both of the attacks. These murders marked the true beginning of the war on terror, when al Qaeda targeted innocent Americans abroad merely because of their association with our great country.

Of those twelve victims, five were foreign service officers including Julian Bartley, Sr., the Deputy Chief of Mission, and his young son who was interning at the Embassy when al Qaeda struck. I had visited the Embassy just several weeks before and had a conversation with Julian and knew him personally even as he worked here on the Hill before going to Kenya.

It was later determined in an official accountability report that the security arrangements at the Nairobi Embassy were inadequate, as were the State Department's risk assessment procedures. The Nairobi Embassy was not classified as a hardship post. It was maddening to learn that the Ambassador in Nairobi had pleaded with the Department for additional security measures, but to no