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# Taiwan Defense Issues for Congress

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## Taiwan Defense Issues for Congress

U.S. policy toward Taiwan has long prioritized the maintenance of peace and stability across the Taiwan Strait. The People's Republic of China (PRC) claims Taiwan as its territory and has not renounced the use of force to annex it. The United States supports Taiwan's efforts to deter the PRC from using force to gain control of the archipelago. The U.S. government has also sought to strengthen its own ability to deter PRC military aggression in the Indo-Pacific region.

In the 117<sup>th</sup> and 118<sup>th</sup> Congresses, Congress and the President enacted several laws aimed at strengthening U.S.-Taiwan defense ties, particularly through arms transfers. Pending legislation includes the House-introduced Indo-Pacific Security Supplemental Appropriations Act, 8(H.R. 8036) and the Senate-passed National Security Act, 2024 (H.R. 815). Both bills would

- appropriate \$1.9 billion for the replacement of Department of Defense (DOD) stocks transferred to Taiwan via Presidential Drawdown Authority and for reimbursement of DOD defense services and military education and training provided to Taiwan or to countries that “provided support to Taiwan at the request of the United States”; and
- appropriate an additional \$2 billion for foreign military financing (FMF) for the Indo-Pacific “under the authorities and conditions applicable to such appropriations accounts for fiscal year 2024.” A summary of H.R. 8036 from House Appropriations Committee majority states that the bill’s FMF Program would be for “Taiwan and other key allies and security partners in the Indo-Pacific confronting Chinese aggression.”

Both bills would also amend Section 2606 of P.L. 117-103 to extend FMF direct loans and loan guarantees in that law from “Ukraine and NATO allies” to “NATO allies, major non-NATO allies, and the Indo-Pacific region” and increase the loan principal for FMF direct loans from \$4 billion to \$8 billion and the loan principal for FMF loan guarantees from \$4 billion to \$8 billion.

A key consideration for U.S. policymakers is whether and if so how to support Taiwan’s ability to defend itself in a possible cross-Strait conflict without triggering such a conflict.

Taiwan is about to undergo a political transition. President Tsai Ing-wen, in office since 2016, is to step down due to term limits. In January 2024, Taiwan voters elected her Vice President, Lai Ching-te (William Lai), to succeed her. He and Vice President-elect Bi-khim Hsiao, a former unofficial Taiwan representative to the United States, are to be sworn in for four-year terms on May 20, 2024.

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## Overview

U.S. policy toward Taiwan (which officially calls itself the Republic of China or ROC [Taiwan]) has long prioritized the maintenance of peace and stability across the Taiwan Strait. The People's Republic of China (PRC) claims Taiwan as its territory and has not renounced the use of force to annex it.<sup>1</sup> The United States supports Taiwan's efforts to deter the PRC from using force to gain control of the archipelago. The U.S. government has also sought to strengthen its own ability to deter PRC military aggression in the Indo-Pacific region.

The U.S. Department of Defense (DOD) has referred to the region as the U.S. military's "priority theater," and a possible conflict over Taiwan as its "pacing scenario."<sup>2</sup> U.S. military leaders have referred to China as the U.S. military's "pacing challenge."<sup>3</sup> In the 117<sup>th</sup> and 118<sup>th</sup> Congresses, Congress and the President enacted several laws aimed at strengthening U.S.-Taiwan defense ties, particularly through arms transfers. Pending legislation includes the House-introduced Indo-Pacific Security Supplemental Appropriations Act, 2024 (H.R. 8036) and the Senate-passed National Security Act, 2024 (H.R. 815). A key consideration for U.S. policymakers is whether and if so how to support Taiwan's ability to defend itself in a possible cross-Strait conflict without triggering such a conflict.

Taiwan is about to undergo a political transition. President Tsai Ing-wen, in office since 2016, is to step down due to term limits. In January 2024, Taiwan voters elected her Vice President, Lai Ching-te (William Lai), to succeed her. He and Vice President-elect Bi-khim Hsiao, a former unofficial Taiwan representative to the United States, are to be sworn in for four-year terms on May 20, 2024.

## Taiwan's Security Situation

Taiwan's leaders task Taiwan's armed forces with deterring—and if necessary, defeating—PRC military aggression. Against this threat, Taiwan enjoys some strategic advantages, including geography and climate. The Taiwan Strait is 70 nautical miles (nm) wide at its narrowest point and 220 nm at its widest. Weather conditions make the Strait perilous to navigate at certain times of the year.<sup>4</sup> Taiwan's mountainous terrain and densely populated west coast are largely unsuitable for amphibious landing and invasion operations.

<sup>1</sup> The PRC's 2005 Anti-Secession Law commits the PRC to "do its utmost with maximum sincerity to achieve a peaceful reunification" with Taiwan. It states that in the event of Taiwan's "secession" from China, or if the PRC concludes that possibilities for peaceful unification have been exhausted, "the state shall employ non-peaceful means and other necessary measures to protect China's sovereignty and territorial integrity." "Anti-Secession Law Adopted by NPC (Full Text)," Xinhua via *China Daily*, March 14, 2005. At the Communist Party of China's 20<sup>th</sup> National Congress in 2022, China's top leader, Xi Jinping, reiterated that the Party "will never promise to renounce the use of force" to unify with Taiwan. Xinhua, "Full Text of the Report to the 20<sup>th</sup> National Congress of the Communist Party of China," October 25, 2022, <https://english.news.cn/20221025/8eb6f5239f984f01a2bc45b5b5db0c51/c.html>.

<sup>2</sup> See for example, U.S. Department of Defense, "Assistant Secretary of Defense for Indo-Pacific Security Affairs Dr. Ely Ratner Participates in a CNAS Discussion on Building a Networked Security Architecture in the Indo-Pacific," June 8, 2023; Testimony of Office of the Undersecretary of Defense for Policy Assistant Secretary of Defense for Space Policy John Plumb, in House Armed Services Subcommittee on Strategic Forces hearing, *FY24 Strategic Forces Posture*, March 8, 2023.

<sup>3</sup> U.S. Congress, Senate Committee on Armed Services, *To Receive Testimony on the Department of Defense Request for Fiscal Year 2025 and the Future Years Defense Program*, 118<sup>th</sup> Cong., 2<sup>nd</sup> sess., April 9, 2024.

<sup>4</sup> Scott Cheney-Peters, "Navigating the Black Ditch: Risks in the Taiwan Strait," *Risk Intelligence*, September 2014.

Taiwan has a professional, high-tech military. Taiwan's defense budget has been on the rise since 2017. From 2019 to 2023, defense spending increased by an average of nearly 5% per year, and as a percentage of GDP increased from 2% to 2.5%. Defense spending is set to increase again in 2024, albeit at a slower rate.<sup>5</sup> To increase military readiness, Taiwan's government in 2024 extended compulsory military service for males from four months to one year. In 2022, it established an All-Out Defense Mobilization Agency with the goal of strengthening Taiwan's reserve forces and civil defense capabilities.<sup>6</sup>

Taiwan faces an increasingly asymmetric power balance across the Strait. The Communist Party of China's military, the People's Liberation Army (PLA), has undergone a decades-long modernization program focused primarily on developing the capabilities needed to annex Taiwan. Some observers assess that the PLA is, or soon will be, able to execute a range of military campaigns against Taiwan. The PLA trains for operations such as missile strikes, seizures of Taiwan's small outlying islands, blockades, and—the riskiest and most challenging campaign for the PLA—an amphibious landing and takeover of Taiwan's main island.<sup>7</sup>

On multiple occasions, Biden Administration officials have stated that conflict over Taiwan is “neither imminent nor inevitable.”<sup>8</sup> In 2023, U.S. CIA Director William J. Burns stated that PRC leader Xi Jinping had instructed the PLA “to be ready by 2027 to conduct a successful invasion. Now that does not mean that he's decided to conduct an invasion in 2027 or any other year. But it's a reminder of the seriousness of his focus and his ambition.”<sup>9</sup>

Taiwan also faces defense challenges at home. Some analysts of civil-military relations have noted an apparent lack of trust between Taiwan's elected leaders and the military establishment; since 2016, President Tsai and President-elect Lai's Democratic Progressive Party (DPP) has controlled the presidency, while the military has traditionally been aligned with the largest opposition party, the Kuomintang (KMT).<sup>10</sup> Some of the archipelago's energy, food, water, internet (including submarine cable), and other systems are vulnerable to external disruption. Taiwan has been targeted by cyber intrusions against its critical infrastructure.<sup>11</sup> Taiwan's nascent

**Figure I. Taiwan**



Source: Graphic by CRS.

<sup>5</sup> Janes, “Taiwan–Defence Budget,” updated January 11, 2024.

<sup>6</sup> Taiwan Armed Forces Reserve Command, All-Out Defense Mobilization Agency, “About AFRC,” at [https://afrc.mnd.gov.tw/afrcweb/Content\\_en.aspx?MenuID=6305&MP=2](https://afrc.mnd.gov.tw/afrcweb/Content_en.aspx?MenuID=6305&MP=2).

<sup>7</sup> U.S. Department of Defense, *Military and Security Developments Involving the People's Republic of China*, November 2023, pp. 14–142.

<sup>8</sup> See for example, U.S. Department of Defense, “Remarks by Assistant Secretary Ely Ratner at Center for Strategic and International Studies Conference on ‘China’s Power: Up for Debate 2023,’” October 5, 2023.

<sup>9</sup> Remarks at Georgetown University, “SFS Event: Trainor Award Ceremony Honoring CIA Director William J. Burns,” February 2, 2023.

<sup>10</sup> Dean Karalekas, *Civil-Military Relations in Taiwan: Identity and Transformation* (United Kingdom: Emerald Publishing, 2018).

<sup>11</sup> See for example, CyCraft Technology Corporation, “China-Linked Threat Group Targets Taiwan Critical Infrastructure, Smokescreen Ransomware,” June 1, 2021.

defense reforms notwithstanding, its military struggles to recruit, retain, and train personnel, and some observers have argued that Taiwan’s civil defense preparedness is insufficient.<sup>12</sup> At a societal level, it is not clear what costs—in terms of economic security, physical safety and security, and lives—Taiwan’s people would be willing or able to bear in the face of possible PRC armed aggression.<sup>13</sup>

### PRC Gray Zone Pressure Against Taiwan

The PLA engages in persistent non-combat operations that some analysts view as eroding Taiwan’s military advantages and readiness. Such “gray-zone” actions have included

- large and increasingly complex exercises near Taiwan;
- near-daily air operations in the vicinity of Taiwan, including frequent sorties across the so-called “median line,” an informal north-south line bisecting the Strait that PLA aircraft rarely crossed prior to 2022;
- routine naval patrols across the median line, some as close as 24 nm from Taiwan’s main island; and
- stepped-up air and maritime activities near Kinmen (an outlying island administered by Taiwan near the PRC coast), including reported flights of unmanned aerial vehicles in the airspace over Kinmen in 2022 and an increase in coast guard patrols “to strengthen law enforcement inspections” since February 2024.<sup>14</sup>

The normalization of PLA operations ever closer to Taiwan’s islands in peacetime could undermine Taipei’s ability to assess whether the PLA is using ostensibly routine operations or exercises to obscure preparations for an attack. PLA use of such operations as cover for an attack could significantly shorten the time Taiwan has to respond. Gray-zone activities also provide the PLA with training and intelligence-gathering opportunities and strain Taiwan’s forces, which face growing operational and maintenance costs associated with responding to PLA activities.<sup>15</sup> Beijing also could be using coercive but nonviolent operations to sow doubt in Taiwan’s people about Taiwan’s military capabilities and to create political pressure for Taipei to acquiesce to Beijing’s insistence on unification.<sup>16</sup> The PRC government has ramped up such activities following high-profile engagements between senior U.S. policymakers (including Members of Congress) and Taiwan leaders.

## U.S. Support for Taiwan’s Defense

The United States has maintained unofficial defense ties with Taiwan since 1980, when President Carter terminated a 1954 U.S.-ROC mutual defense treaty. For decades, U.S.-Taiwan defense cooperation has substantially contributed to Taiwan’s ability to deter PRC military aggression.

### U.S. Strategy and Policy

The 1979 Taiwan Relations Act (TRA, P.L. 96-8; 22 U.S.C. §3301 et seq.) was the first law to provide a legal basis for U.S. support for Taiwan’s defense following the termination of diplomatic relations. Among other things, the TRA states that it is U.S. policy to “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” and “to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.” The TRA does not require

<sup>12</sup> Rachel Oswald, “Taiwan’s Military Needs Overhaul Amid China Threat, Critics Say,” Pulitzer Center, September 28, 2022.

<sup>13</sup> Kuan-chen Lee, Christina Chen, and Ying-Hsuan Chen, “Core Public Attitudes toward Defense and Security in Taiwan,” *Taiwan Politics*, January 2024.

<sup>14</sup> Reuters, “China Says it has Conducted Patrols in Waters Near Kinmen,” February 25, 2024; Reuters, “Taiwan Shoots Down Drone for First Time off Chinese Coast,” September 1, 2022.

<sup>15</sup> Yimou Lee, “China Steps Up Grey-Zone Warfare to Exhaust Taiwan, Defence Report Says,” Reuters, March 6, 2024.

<sup>16</sup> Taiwan Ministry of National Defense, *ROC National Defense Report 2023*, pp. 34, 40-42.

the United States to defend Taiwan, but by stating it is U.S. policy to maintain the capacity to do so, the TRA creates “strategic ambiguity” about potential U.S. actions in the event of a PRC attack. Some policymakers and experts have advocated discarding this policy in favor of a formal commitment to defend Taiwan. Supporters of a shift to “strategic clarity” argue such clarity is necessary to deter an increasingly capable and assertive PRC. Supporters of strategic ambiguity argue the long-standing policy encourages restraint by both Beijing and Taipei while incentivizing Taipei to invest in its own defense.<sup>17</sup>

Successive U.S. administrations have encouraged Taiwan to pursue an “asymmetric” strategy to make it prohibitively costly for the PRC to annex Taiwan by force.<sup>18</sup> This approach to defense prioritizes the development of capabilities that can be used to cripple an invading force before it reaches shore through a combination of anti-ship missiles, naval mines, and other similarly small, distributable, and relatively inexpensive weapons systems. Taiwan’s government has adopted this approach to some extent, but Taiwan’s military remains optimized for a conventional conflict; it would no longer have the advantage in such a conflict in light of the PLA’s improved capabilities. Members of Taiwan’s defense establishment and others who are skeptical of an “asymmetric” defense strategy have shown reluctance to let Taiwan’s conventional capabilities atrophy, particularly given the uncertainty of U.S. military intervention in a cross-Strait conflict on Taiwan’s behalf. Proponents of continued investment in conventional capabilities also argue that they are needed to deter PRC gray-zone coercion short of an invasion.<sup>19</sup>

## U.S.-Taiwan Defense Cooperation

U.S.-Taiwan defense cooperation is robust, but has been conducted largely out of the public eye due to the unofficial nature of the U.S.-Taiwan relationship and concerns that significant, public enhancements of defense ties could provoke Beijing to step up coercion and threats against the island, or even trigger the conflict the United States seeks to deter.

### Arms Transfers

U.S. arms sales to Taiwan have for decades been the most concrete U.S. contribution to Taiwan’s defense capabilities. In Fiscal Years (FY) 2020-2022 combined, Taiwan was the largest purchaser of U.S. Foreign Military Sales (FMS) globally; it was the fourth-largest purchaser of total FMS from FY1950 to FY2022 after Saudi Arabia, Israel, and Japan.<sup>20</sup> Taiwan also procures military equipment via the Direct Commercial Sales (DCS) program in which U.S. defense firms directly broker licensed sales with foreign governments.<sup>21</sup>

<sup>17</sup> Testimony of Bonnie Glaser, Director of German Marshall Fund of the United States Asia Program, to the Senate Armed Services Committee, *The United States’ Strategic Competition with China*, hearings, June 8, 2021; and Richard Haas and David Sacks, “American Support for Taiwan Must be Unambiguous,” *Foreign Affairs*, September 2, 2020.

<sup>18</sup> See for example, U.S.-Taiwan Business Council, “Closing Keynote Remarks by David F. Helvey, Performing the Duties of Assistant Secretary of Defense for Indo-Pacific Security Affairs,” at U.S.-Taiwan Business Council Defense Industry Conference, October 6, 2020.

<sup>19</sup> Richard C. Bush, *Difficult Choices: Taiwan’s Quest for Security and the Good Life* (Washington DC: Brookings Institution Press, 2021), pp. 179-182.

<sup>20</sup> Data compiled by CRS from Defense Security Cooperation Agency, *Historical Sales Book: Fiscal Years 1950-2021*, accessed March 7, 2023.

<sup>21</sup> The executive branch does not publish complete details about licensed DCS transactions for business competitiveness reasons.

Some Members of Congress and stakeholders in the U.S.-Taiwan arms trade have raised concerns about delays and other impediments to the FMS process.<sup>22</sup> Russia’s war in Ukraine has made some of these concerns more acute, by demonstrating how quickly a conflict can deplete U.S.-supplied military equipment. Competing interests between U.S. and Taiwan stakeholders reportedly have played a role in determining what arms the United States sells Taiwan. In 2022, for example, the United States reportedly “decided not to respond” to a recent request from Taiwan for MH-60R Seahawk helicopters, assessing they were not appropriate for an “asymmetric” strategy for Taiwan.<sup>23</sup>

### **Arms Transfers to Taiwan: Selected Congressional Efforts**

The 117<sup>th</sup> and 118<sup>th</sup> Congresses have taken steps to increase and expedite arms transfers to Taiwan, including through Foreign Military Financing and Presidential Drawdown Authority.

#### **Foreign Military Financing (FMF)**

- The Taiwan Enhanced Resilience Act (TERA; Title LV, Subtitle A of the James M. Inhofe National Defense Authorization Act [NDAA] for Fiscal Year 2023, P.L. 117-263) for the first time authorized the provision of FMF (essentially grants or loans a foreign government may use to purchase U.S. arms) for Taiwan: up to \$2 billion a year in grant assistance and up to \$2 billion a year in direct loans and loan guarantees through FY2027. Although the Consolidated Appropriations Act, 2023 (P.L. 117-328) did not appropriate funds for the grant assistance (and Taiwan declined the loan), the State Department in 2023 notified Congress of its intent to obligate \$135 million for FMF programs for Taiwan from other authorizations.<sup>24</sup>
- The Further Consolidations Appropriations Act, 2024 (P.L. 118-47) made available not less than \$300 million in FMF for assistance for Taiwan, and stated that such funds may be made available for the costs of direct loans and loan guarantees for Taiwan.
- In the 118<sup>th</sup> Congress, Senate-passed H.R. 815 and House-introduced H.R. 8036 would appropriate an additional \$2 billion for FMF for the Indo-Pacific “under the authorities and conditions applicable to such appropriations accounts for fiscal year 2024.” A summary of H.R. 8036 from House Appropriations Committee majority states that the bill’s FMF Program would be for “Taiwan and other key allies and security partners in the Indo-Pacific confronting Chinese aggression.”<sup>25</sup> Both bills would also amend Section 2606 of P.L. 117-103 to extend FMF direct loans and loan guarantees in that law from “Ukraine and NATO allies” to “NATO allies, major non-NATO allies, and the Indo-Pacific region” and increase the loan principal for FMF direct loans from \$4 billion to \$8 billion and the loan principal for FMF loan guarantees from \$4 billion to \$8 billion.

#### **Presidential Drawdown Authority**

- TERA also amended the Foreign Assistance Act of 1961 (22 U.S.C. §2318(a)(3)) to make Presidential Drawdown Authority available to Taiwan, authorizing the provision to Taiwan of up to \$1 billion annually in defense articles, services, and education and from U.S. Department of Defense (DOD) stocks. In July 2023, the Biden Administration notified Congress of its intent to exercise this authority to transfer \$345 million of defense equipment to Taiwan.

<sup>22</sup> In February 2023, the *Wall Street Journal* referred to a “nearly \$19 billion backlog of weapons bound for Taiwan.” Gordon Lubold, Doug Cameron, and Nancy A. Youssef, “U.S. Effort to Arm Taiwan Faces New Challenge with Ukraine Conflict,” *Wall Street Journal*, February 27, 2023. See also Eric Gomez, “Taiwan Arms Backlog, February 2024 Update: Long Waits for F-16 Upgrade, Guided Bombs,” Cato Institute, March 5, 2024. Slowly executed FMS cases are commonplace and not limited to Taiwan; defense industry capacity, complex supply chains, uncertain budget environments, lengthy export control processes, and strained U.S. defense and foreign policy bureaucracies tasked with managing U.S. arms sales all may contribute to this dynamic.

<sup>23</sup> Lara Seligman, Alexander Ward, and Nahal Toosi, “In Letters, U.S. Tries to Reshape Taiwan’s Weapons Requests,” *Politico*, May 10, 2022.

<sup>24</sup> The State Department notified Congress of its intent to obligate for Taiwan \$80 million from the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023 (P.L. 117-180) and \$55 million from FY2022 FMF funds appropriated for Egypt but not obligated due to Egypt’s human rights record.

<sup>25</sup> House Appropriations Republicans, “Supplemental Security Funding,” April 17, 2024, <https://appropriations.house.gov/sites/republicans.appropriations.house.gov/files/Israel%2C%20Ukraine%2C%20Indo-Pacific%20Security%20Supplemental%20Appropriations%20Acts%20-%20One%20Pager.pdf>.



- The FY2024 NDAA (Sec. 1242) authorized **temporary acquisition flexibilities** to streamline DOD's and the defense industrial base's procurement and replenishment of certain munitions bound for Taiwan.
- In the 118th Congress, Senate-passed H.R. 815 and House-introduced H.R. 8036 would appropriate \$1.9 billion for replacement of DOD stocks transferred to Taiwan via Presidential Drawdown Authority and for reimbursement of DOD defense services and military education and training provided to Taiwan or to countries that "provided support to Taiwan at the request of the United States."

## Dialogues

U.S. military engagement with Taiwan also has included several established dialogues and other exchanges. Major ongoing U.S.-Taiwan security-focused dialogues include the Monterey Talks, Defense Review Talks, and General Officers Steering Group.<sup>26</sup> Senior defense officials also have met on the sidelines of the annual U.S.-Taiwan Defense Industry Conference and other events.<sup>27</sup>

## Training

The United States and Taiwan appear to be quietly expanding training activities.<sup>28</sup> Some U.S.-Taiwan military training activities are part of the FMS process. For example, Taiwan Air Force pilots have long participated in the U.S. Air Force's F-16 pilot training program at Luke Air Force Base in Arizona. Taiwan also has received training through the U.S. Defense Security Cooperation Agency's main train-and-equip authority, Section 333 Building Partner Capacity.<sup>29</sup> The United States has sent retired senior military officials to observe Taiwan's major annual Han Kuang military exercise.<sup>30</sup> Taiwan forces also reportedly have trained with the Hawaii, Michigan, Utah, and Washington national guards.<sup>31</sup> Taiwan began receiving training through the International Military Education and Training (IMET) program in 2023.<sup>32</sup> The NDAA for FY2024

<sup>26</sup> A 2020 report by the Center for Strategic and International Studies on U.S.-Taiwan relations characterizes these dialogues as follows: The purpose of the Monterey Talks is to "sync interagency discussions and examine all-of-government security issues such as crisis response scenarios, security cooperation, and resiliency" and includes officials from DOD, the State Department, and the National Security Council. The purpose of the Defense Review Talks is to "discuss defense policy issues as well as setting the agenda for military-related initiatives, security cooperation, exchanges, and other engagements for the coming year" and includes senior defense officials. The purpose of the General Officers Steering Group is to "address operational and safety issues" and "determine future engagements between the military services" and includes U.S. Indo-Pacific Command military leaders. Center for Strategic and International Studies, *Toward a Stronger U.S.-Taiwan Relationship: A Report of the CSIS Task Force on U.S. Policy Toward Taiwan*, October 2020, pp. 46-47.

<sup>27</sup> Center for Strategic and International Studies, *Toward a Stronger U.S.-Taiwan Relationship: A Report of the CSIS Task Force on U.S. Policy Toward Taiwan*, October 2020, pp. 46-47.

<sup>28</sup> Focus Taiwan, "Some Taiwanese Conscripts to be Trained by U.S. Military Personnel: Minister," March 7, 2024; Stacy Hsu and Joseph Yeh, "U.S., Taiwan to Expand Military Training Scope: Business Council," Focus Taiwan, October 5, 2022.

<sup>29</sup> "Menendez, Risch, Meeks, McCaul Urge Robust Emergency Appropriations to Support Taiwan, Ukraine," press release, December 15, 2022, <https://www.menendez.senate.gov/newsroom/press/menendez-risch-meeks-mccaul-urge-robust-emergency-appropriations-to-support-taiwan-ukraine>. Section 333 Building Partner Capacity is authorized under Title 10, U.S.C. §333. Taiwan also has received U.S. training through DSCA under Section 332 Defense Institution Capacity Building (10 U.S.C. §332).

<sup>30</sup> Taiwan Overseas Community Affairs Council, "Taiwan-U.S. Review Team Declares Han Kuang Tabletop War Game a Success," May 31, 2023.

<sup>31</sup> Yuko Mukai and Masatsugu Sonoda, "U.S. Plans to Expand Scale of Training of Taiwan Military; Defense Against Potential Invasion to be Strengthened," *Yomiuri Shimbun*, September 17, 2023; Chen Yu-fu, "Troops Joined Michigan Drills: Report," CNA via *Taipei Times*, September 4, 2023.

<sup>32</sup> U.S. Department of State, "House Armed Services Committee Hearing: Defense Cooperation with Taiwan," September 19, 2023.

includes a provision requiring the Secretary of Defense, in consultation with appropriate officials of Taiwan, to utilize Title 10 security cooperation authorities (10 U.S.C. §§301-386), among other authorities, to establish a training, advising, and institutional capacity-building program for the military forces of Taiwan.<sup>33</sup>

## Presence of U.S. Military Forces in Taiwan

When the U.S. government announced the normalization of U.S.-PRC relations on January 1, 1979, it also stated it would be “withdrawing its remaining military personnel from Taiwan within four months.”<sup>34</sup> Since then, the U.S. military has not maintained a permanent presence on Taiwan, but observers have indicated that it is an “open secret” that small numbers of U.S. military personnel conduct work in an advisory capacity on the island.<sup>35</sup> In 2021, Taiwan President Tsai drew ire from Beijing when she publicly stated that a small number of U.S. military personnel were stationed in Taiwan for the purpose of training Taiwan forces.<sup>36</sup>

U.S. government public reporting on U.S. military personnel in Taiwan currently is limited to quarterly reports by DOD’s Defense Manpower Data Center, which reported 41 U.S. military personnel were assigned for duty in Taiwan as of December 2023.<sup>37</sup> Taiwan and U.S. media occasionally have reported the deployment of U.S. military personnel to Taiwan; in response to some of these reports, U.S. defense officials have noted that they “do not have a comment on specific operations, engagements, or training” related to the U.S. defense relationship with Taiwan.<sup>38</sup>

## Other Areas of Security Cooperation

In March 2021, the United States and Taiwan signed a memorandum of understanding to establish a Coast Guard Working Group to increase bilateral maritime cooperation in areas such as disaster relief, search and rescue, and the reduction of illegal, unreported, and unregulated fishing.<sup>39</sup> Some

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<sup>33</sup> Section 1309 of the National Defense Authorization Act for Fiscal Year 2024 (P.L. 118-31).

<sup>34</sup> “East Asia: U.S. Normalizes Relations with the People’s Republic of China,” *Department of State Bulletin*, January 1979, p. 26. Tens of thousands of U.S. troops were deployed to Taiwan at the height of the U.S.-ROC treaty alliance.

<sup>35</sup> Minnie Chan, “U.S. Military Presence in Taiwan an ‘Open Secret’ for Decades,” *South China Morning Post*, November 1, 2021.

<sup>36</sup> Will Ripley, Eric Cheung, and Ben Westcott, “Taiwan’s President Says the Threat from China is Increasing ‘Every Day’ and Confirms Presence of U.S. Military Trainers on the Island,” *CNN*, October 28, 2021; PRC Ministry of Foreign Affairs, “Foreign Ministry Spokesperson Wang Wenbin’s Regular Press Conference on October 28, 2021.”

<sup>37</sup> The Defense Manpower Data Center notes that its reporting “only represents the unclassified data on personnel who are assigned for duty,” “includes personnel who are assigned to the State Department and Embassies overseas,” and “does not include all personnel who are on temporary duty, or deployed in support of contingency operations.” U.S. Department of Defense Manpower Data Center, “DoD Personnel, Workforce Reports and Publications,” at <https://dwp.dmdc.osd.mil/dwp/app/dod-data-reports/workforce-reports>.

<sup>38</sup> In February 2023, the *Wall Street Journal* had reported that the United States would send between 100 and 200 troops to the island in “the coming months,” but neither U.S. nor Taiwan officials publicly confirmed this. In February 2024, Taiwan media reported U.S. military personnel had been stationed in Taiwan (including Kinmen) to assist Taiwan’s special operations forces there. Keoni Everington, “U.S. Green Berets Reportedly Permanently Based in Taiwan for 1<sup>st</sup> Time,” *Taiwan News*, March 2, 2024; Nancy A. Youssef and Gordon Lubold, “U.S. to Expand Troop Presence in Taiwan for Training Against China Threat,” *Wall Street Journal*, February 23, 2023.

<sup>39</sup> American Institute in Taiwan, “AIT and TECRO Sign MOU to establish a Coast Guard Working Group,” March 26, 2021.

observers see increasing U.S. Coast Guard cooperation with East Asian coast guards—including Taiwan’s—as an opportunity to counter maritime “gray zone” coercion by the PRC.<sup>40</sup>

## Taiwan’s Political Transition

Over her eight years in office, Taiwan President Tsai appeared to develop and maintain strong relationships with both the Trump and Biden Administrations. With Taiwan presidents restricted to two terms in office, she is now serving the last months of her tenure. Tsai’s Vice President, Lai Ching-te (William Lai), and her close advisor Hsiao Bi-Khim, Taiwan’s former unofficial representative to the United States, are scheduled to be inaugurated as Taiwan’s next president and vice-president respectively on May 20, 2024. This is the first time in the era of direct elections in Taiwan that the same party has won three consecutive presidential terms, and President-elect Lai has vowed to continue Tsai’s policies. Differences between the two politicians have led some observers to question, however, how closely Lai will be inclined or able to hew to Tsai’s approach to certain issues, including relations across the Taiwan Strait.<sup>41</sup>

Tsai and Lai’s party, the DPP, is the oldest and largest of the “pan-green” parties in Taiwan’s political spectrum. Such parties have championed a strong sense of Taiwan identity distinct from mainland China. Politicians who identify as “dark green” often have shown reluctance to use Taiwan’s official name for itself, the Republic of China, and some have advocated for Taiwan to formalize independence from the PRC. In its 1999 Resolution on Taiwan’s Future, the DPP declared, “Taiwan is a sovereign, independent country. Any change to the independent status quo must be decided by all the residents of Taiwan through referendum.”<sup>42</sup> The PRC cut off contacts with Tsai’s government in 2016 over her unwillingness to endorse the notion that the mainland China and Taiwan are parts of “one China,” although Tsai also did not reject the notion.<sup>43</sup> The PRC appears unlikely to restore communications with Lai’s government.

One difference between Tsai and Lai relates to the wings of the DPP with which they are associated. Tsai is considered part of the “light green” wing of the party and has routinely referred to Taiwan as “the Republic of China (Taiwan).” In 2020, she told an interviewer, “We are an independent country already and we call ourselves the Republic of China (Taiwan).”<sup>44</sup> Lai, who once described himself as “a pragmatic worker for Taiwan independence,” is considered “deep green.”<sup>45</sup> As a presidential candidate in 2023, he told an interviewer, “*Taiwan* is already a sovereign, independent country called the Republic of China” (italics by CRS). He added, however, that he would follow Tsai’s lead and refer to Taiwan as “Republic of China (Taiwan).”<sup>46</sup>

<sup>40</sup> U.S.-Taiwan Business Council, “The U.S.-Taiwan Business Council Comments on the Proposed Foreign Military Sale of Advanced Tactical Data Link System Upgrade Planning to Taiwan,” press release, February 22, 2024; Eric Chan, “Escalating Clarity without Fighting: Countering Gray Zone Warfare against Taiwan (Part 2),” *Global Taiwan Brief*, June 2, 2021.

<sup>41</sup> See, for example, Jack Detsch, “Will Taiwan’s Next President Be the China Hawk Washington Wants?” *Foreign Policy*, January 18, 2024, and Zhong Houtao, “Lai’s Election and Its Possible Consequences,” *China-U.S. Focus*, January 29, 2024.

<sup>42</sup> Democratic Progressive Party, “台灣前途決議文” (“Resolution on Taiwan’s Future”), Adopted at the Second Plenum of the Eighth Party Congress, May 8-9, 1999. Translation by CRS.

<sup>43</sup> “Mainland Spokesman Says Cross-Strait Communication Mechanisms in Suspension—Xinhua,” Xinhua, June 26, 2016.

<sup>44</sup> John Sudworth, “China Needs to Show Taiwan Respect, Says President,” BBC, October 10, 2022.

<sup>45</sup> Chris Buckley, Amy Chang Chien, and John Liu, “Who Is Lai Ching-te, Taiwan’s Next President?” *New York Times*, January 14, 2024.

<sup>46</sup> Joel Weber, and Cindy Wang, “Taiwan Vice President Lai Ching-te on the Status Quo with China,” August 15, 2023.

At the other end of Taiwan's political spectrum are "pan-blue" parties. The oldest and largest of these is the KMT, which moved the ROC government from mainland China to Taiwan in 1949. Politicians who identify as pan-blue tend to see Taiwan's identity as closely linked to mainland China. They support use of the "Republic of China" name and a reading of the ROC constitution that supports the idea that mainland China and Taiwan are both parts of the ROC.<sup>47</sup> Some "deep blue" politicians support moves toward unification with mainland China, though under an ROC government, not a PRC one.

A second difference between Tsai and Lai is that Lai is starting his presidency in a weaker domestic political position than Tsai at the start of hers. In the January 2024 presidential election, Lai won the presidency with 40% of the vote, making him the first Taiwan president since 2000 not to win an outright majority of the vote. Unlike Tsai for all but the last few months of her tenure, Lai must also contend with divided government following the DPP's loss of control of the legislature in the January 2024 legislative elections. In those elections, the KMT won a plurality of seats in the 113-seat legislature, with its power boosted by two KMT-leaning independents. No party won a majority of the seats. A third-party presidential candidate, Ko Wen-je of the Taiwan People's Party (TPP), challenged the dominance of both the blues and the greens. Although Ko did not win the presidency, his "white" party won eight seats in the legislature, allowing it to control the balance of power.

Among Tsai's policies that Lai has pledged to honor are "four commitments" on cross-Strait relations that Tsai first articulated in 2021. They are commitments (1) to "a free and democratic constitutional system," (2) to the principle that "the Republic of China and the People's Republic of China should not be subordinate to each other," (3) "to resist annexation or encroachment upon our sovereignty," and (4) to the principle that "the future of the Republic of China (Taiwan) must be decided in accordance with the will of the Taiwanese people."<sup>48</sup> Lai has also pledged to continue support for one of Tsai's signature efforts to strengthen Taiwan defense capabilities, an ambitious and costly program to develop Taiwan's first indigenous submarine.<sup>49</sup>

Lai's election night speech unintentionally revealed some of the pressures Lai is under in Taiwan's complex political environment. The draft of the speech from which an English-language interpreter was reading quoted Lai as saying, "I will act in accordance with *our democratic and free constitutional order*, in a manner that is balanced and maintains the cross-strait status quo" (italics added by CRS). In his Chinese-language speech as delivered, however, Lai changed the words in italics, substituting the phrase "the *Republic of China* constitutional order" (italics added by CRS).<sup>50</sup> That word change appeared to be intended to appeal to pan-blue voters, and perhaps to reassure the United States, and even the PRC, that Lai is not, for now, seeking to pursue an independence-focused agenda that might raise the potential for conflict in the Taiwan Strait.

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<sup>47</sup> "Additional Articles" added to the constitution between 1991 and 2005 state that the ROC includes a "free area" (Taiwan) and a "Chinese mainland area." "Additional Articles of the Constitution of the Republic of China," Laws and Regulations Database of the Republic of China (Taiwan), June 10, 2005.

<sup>48</sup> Office of the President, Republic of China (Taiwan), "President Tsai Delivers 2021 National Day Address," October 10, 2021.

<sup>49</sup> Curtis Lee, "Taiwan Unveils Its First Indigenous Defense Submarine," *Naval News*, September 28, 2023. "Lai Ching-te to Fast-Track Submarine Fleet Expansion," TVBS News, March 18, 2024.

<sup>50</sup> See the video of the speech as posted by Formosa TV News Network at [https://www.youtube.com/watch?v=RI4t1LN\\_\\_ho](https://www.youtube.com/watch?v=RI4t1LN__ho).

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