



Congress Is Waging a Two-Front Offensive Against China

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The Biden administration's surprisingly confrontational stance toward the People's Republic of China (PRC) on both trade and security issues has led to considerable comment in the news media. Some commentators even contend that Biden's China policy is little more than "Trump lite." That reaction is understandable, even with respect to the bilateral trade relationship, since the administration has retained many of the tariffs and other restrictive measures that President Trump imposed.

Policy continuity is even more evident on security issues, especially Washington's policy regarding Taiwan. Trump took several steps to boost U.S. diplomatic and military support for Taipei, despite Beijing's increasingly vocal protests. Indeed, by the end of his administration, the U.S.-Taiwan relationship was moving rapidly toward a de facto restoration of the mutual defense treaty that existed from the mid-1950s until Washington switched diplomatic ties to the PRC at the beginning of 1979.

Biden and his foreign policy team have continued that trend, and the US air and naval presence near Taiwan has grown both more extensive and assertive. Indeed, Taiwanese President Tsai Ing-wen confirms that several hundred US military personnel are in Taiwan, supposedly to train Taiwanese forces. Biden himself seems out ahead of his own advisers – as well as established official policy – with respect to Taiwan. Twice in the past month, the president responded to questions from reporters by insisting that the United States has a firm commitment to defend Taiwan if the island is attacked. Twice his advisers walked-back Biden's comments, insisting that there had been no change in US policy as codified in the 1979 Taiwan Relations Act (TRA). That law merely commits the United States to sell Taipei "defensive" weapons and to regard any attack on the island as a serious breach of the peace.

However, the White House is not the only source of a noticeably more hardline policy toward Beijing on a wide range of issues. Congress also is a major factor. Indeed, the legislative branch is currently waging a two-pronged offensive against the PRC. One seeks to orchestrate an international boycott of the 2022 Olympics in Beijing to protest the Chinese government's

dreadful human rights record. The other is designed to give the president far greater latitude to support Taiwan militarily.

On October 28, a bipartisan coalition of senators introduced an amendment to the annual National Defense Authorization Act that would commit the United States to a diplomatic boycott of the Beijing Olympics. The amendment's principal sponsor is Mitt Romney (R-UT), who has been an outspoken proponent of a boycott for many months. However, the measure has strong bipartisan support. Other sponsors include Sen. Tim Kaine (D-VA) and Senator Ed Markey (D-MA). The legislation appears to reflect the goals of both anti-PRC hawks and members of the human-rights caucus.

Indeed, the Senate passed a similar measure in June, which would have prohibited the expenditure of federal funds to "support or facilitate" the attendance of US government employees at the Games. That legislation has bogged down in the House (largely because of the backlog of legislation dealing with the Biden administration's other priorities), but Romney and the other sponsors clearly expect that an amendment attached to the crucial defense bill will not suffer a similar fate.

The measure is a calculated insult directed at the PRC, and if it becomes law, it will undoubtedly intensify already worrisome tensions with Beijing. The language in the amendment, though, actually is a diluted version of what Romney and other staunch critics of Beijing would like to see passed. Earlier, he proposed a boycott that would include the withdrawal of financial sponsors from the Olympics – a step that would be a major blow to China's government. More hawkish types in Congress (and elsewhere) even want to replicate the Carter administration's comprehensive boycott of the 1980 Summer Olympics in Moscow. That boycott even prevented US athletes from participating. Although the current diluted version is significantly milder, it still conveys a message of intense congressional hostility toward Beijing.

Members of Congress are pushing another, more serious, measure that would infuriate PRC leaders and could well trigger a crisis in the Taiwan Strait. In an October 11 *Washington Post* op-ed, Rep. Elaine Luria (D-VA) noted that her "Republican colleagues introduced the Taiwan Invasion Prevention Act in February to grant the president the authority to act against an invasion of Taiwan and prevent a *fait accompli*." Sen. Rick Scott (R-SC) is the principal sponsor of that bill, and she readily embraced it.

Luria complained that "no amount of rhetoric or military spending will stop the Chinese if Beijing is intent on taking Taiwan by force because of one simple fact: Under the War Powers and Taiwan Relations acts, the president has no legal authority, without the express authorization of Congress, to use military force to defend Taiwan." The proposed legislation would remove those restraints and effectively give the president a blank check to defend Taiwan with US military forces, without any further congressional authorization or even debate.

Passage of the TIPA would dramatically escalate Washington's security relationship with Taipei and might cross one of Beijing's red lines. It would be bad enough if the vocal supporters of such provocative legislation were obscure congressional back benchers. But Scott is a rapidly rising star in the Republican Party and a possible presidential candidate in 2024, and Luria is the vice

chair of the House Armed Services Committee. Worse, Scott accurately reflects the views of GOP hawks, and Luria seems to embody the views of a growing contingent of centrist Democrats.

Writing in *Responsible Statecraft*, longtime China policy expert Michael Swaine warns that "Congress would yet again be abrogating its authority to assist in determining whether the American people wish to engage in a foreign conflict, in this case with a nuclear power." Swaine is correct. The legislation is unwise from the standpoint of prudent US policy toward China, and it further weakens what is left of the congressional role in matters of war and peace. Doing so to facilitate a possible armed conflict with a nuclear-armed great power is beyond reckless.

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