

118TH CONGRESS  
1ST SESSION

# S. 477

To authorize the President to use military force for the purpose of securing and defending Taiwan against armed attack, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2023

Mr. SCOTT of Florida introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To authorize the President to use military force for the purpose of securing and defending Taiwan against armed attack, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Taiwan Invasion Pre-  
5 vention Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATION FOR USE OF UNITED STATES ARMED  
FORCES

- Sec. 101. Findings; sense of Congress.  
 Sec. 102. Authorization for use of United States Armed Forces.

#### TITLE II—OTHER MATTERS

- Sec. 201. Regional security dialogue to improve security relationships in the Western Pacific area.  
 Sec. 202. United States-Taiwan bilateral trade agreement.  
 Sec. 203. United States-Taiwan combined military exercises and related actions.  
 Sec. 204. Sense of Congress regarding United States support for defending Taiwan.  
 Sec. 205. High-level visits.  
 Sec. 206. Sense of Congress regarding address to joint session of Congress by President of Taiwan.

## 1 **TITLE I—AUTHORIZATION FOR** 2 **USE OF UNITED STATES** 3 **ARMED FORCES**

### 4 **SEC. 101. FINDINGS; SENSE OF CONGRESS.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Taiwan is a free and prosperous democracy  
 7 of nearly 24,000,000 people and is an important  
 8 contributor to peace and stability around the world.

9 (2) Section 2(b) of the Taiwan Relations Act  
 10 (Public Law 96–8; 22 U.S.C. 3301(b)) states that it  
 11 is the policy of the United States—

12 (A) “to preserve and promote extensive,  
 13 close, and friendly commercial, cultural, and  
 14 other relations between the people of the United  
 15 States and the people on Taiwan, as well as the  
 16 people on the China mainland and all other peo-  
 17 ples of the Western Pacific area”;

1 (B) “to declare that peace and stability in  
2 the area are in the political, security, and eco-  
3 nomic interests of the United States, and are  
4 matters of international concern”;

5 (C) “to make clear that the United States  
6 decision to establish diplomatic relations with  
7 the People’s Republic of China rests upon the  
8 expectation that the future of Taiwan will be  
9 determined by peaceful means”;

10 (D) “to consider any effort to determine  
11 the future of Taiwan by other than peaceful  
12 means, including by boycotts or embargoes, a  
13 threat to the peace and security of the Western  
14 Pacific area and of grave concern to the United  
15 States”;

16 (E) “to provide Taiwan with arms of a de-  
17 fensive character”; and

18 (F) “to maintain the capacity of the  
19 United States to resist any resort to force or  
20 other forms of coercion that would jeopardize  
21 the security, or the social or economic system,  
22 of the people on Taiwan”.

23 (3) Since the election of President Tsai Ing-wen  
24 as President of Taiwan in 2016, the Government of  
25 the People’s Republic of China has intensified its ef-

1       forts to pressure Taiwan through diplomatic isola-  
2       tion and military provocations.

3           (4) The rapid modernization of the People's  
4       Liberation Army and recent military maneuvers in  
5       and around the Taiwan Strait illustrate a clear  
6       threat to Taiwan's security.

7       (b) SENSE OF CONGRESS.—It is the sense of Con-  
8       gress that—

9           (1) both the United States and Taiwan have  
10       made significant strides since 1979 in bolstering  
11       their defense relationship;

12          (2) the People's Republic of China has dramati-  
13       cally increased the capability of its military forces  
14       since 1979;

15          (3) the People's Republic of China has in recent  
16       years increased the use of its military forces to har-  
17       ass and provoke Taiwan with the threat of over-  
18       whelming force; and

19          (4) it is the policy of the United States to con-  
20       sider any effort to determine the future of Taiwan  
21       by anything other than peaceful means, including by  
22       boycotts or embargoes, a threat to the peace and se-  
23       curity of the Western Pacific area, and of grave con-  
24       cern to the United States.

1 **SEC. 102. AUTHORIZATION FOR USE OF UNITED STATES**  
2 **ARMED FORCES.**

3 (a) **IN GENERAL.**—The President is authorized to  
4 use the Armed Forces of the United States and take such  
5 other measures as the President determines to be nec-  
6 essary and appropriate in order to secure and protect Tai-  
7 wan against—

8 (1) a direct armed attack by the military forces  
9 of the People’s Republic of China against the mili-  
10 tary forces of Taiwan;

11 (2) the taking of territory under the effective  
12 jurisdiction of Taiwan by the military forces of the  
13 People’s Republic of China; or

14 (3) the endangering of the lives of members of  
15 the military forces of Taiwan or civilians within the  
16 effective jurisdiction of Taiwan in cases in which  
17 such members or civilians have been killed or are in  
18 imminent danger of being killed.

19 (b) **WAR POWERS RESOLUTION REQUIREMENTS.**—

20 (1) **SPECIFIC STATUTORY AUTHORIZATION.**—  
21 Consistent with section 8(a)(1) of the War Powers  
22 Resolution (50 U.S.C. 1547(a)(1)), Congress de-  
23 clares that this section is intended to constitute spe-  
24 cific statutory authorization within the meaning of  
25 section 5(b) of the War Powers Resolution (50  
26 U.S.C. 1544(b)).

1           (2) APPLICABILITY OF OTHER REQUIRE-  
2           MENTS.—Nothing in this Act may be construed to  
3           supersede any requirement of the War Powers Reso-  
4           lution (50 U.S.C. 1541 et seq.).

5           (c) SENSE OF CONGRESS.—It is the sense of Con-  
6           gress that, at the earliest possible date after the date of  
7           the enactment of this Act, the President should release  
8           a public declaration that it is the policy of the United  
9           States to secure and protect Taiwan against any action  
10          of the People’s Republic of China described in paragraph  
11          (1), (2), or (3) of subsection (a).

12          (d) STATEMENT OF POLICY.—It is the policy of the  
13          United States to demand that the People’s Republic of  
14          China officially renounce the use or threat of military  
15          force in any attempt to unify with Taiwan.

16          (e) AUTHORIZATION PERIOD.—

17                (1) IN GENERAL.—The authorization for use of  
18                the Armed Forces under this section shall expire on  
19                the date that is 5 years after the date of the enact-  
20                ment of this Act.

21                (2) SENSE OF CONGRESS.—It is the sense of  
22                Congress that the authorization for use of the  
23                Armed Forces under this section should be reauthor-  
24                ized by a subsequent Act of Congress.

1           **TITLE II—OTHER MATTERS**

2   **SEC. 201. REGIONAL SECURITY DIALOGUE TO IMPROVE SE-**  
3                   **CURITY RELATIONSHIPS IN THE WESTERN**  
4                   **PACIFIC AREA.**

5           (a) IN GENERAL.—Not later than 180 days after the  
6 date of the enactment of this Act, the Secretary of De-  
7 fense, in coordination with the Secretary of State and the  
8 heads of other relevant Federal agencies, as appropriate,  
9 shall seek to convene, on an annual basis, a regional secu-  
10 rity dialogue with the Government of Taiwan and the gov-  
11 ernments of like-minded security partners to improve the  
12 security relationships among the United States and such  
13 countries in the Western Pacific area.

14           (b) MATTERS TO BE INCLUDED.—The regional secu-  
15 rity dialogue may consider matters relating to—

16                   (1) coordinating lower-level military-to-military  
17                   dialogue; and

18                   (2) planning for potential military confrontation  
19                   scenarios.

20   **SEC. 202. UNITED STATES-TAIWAN BILATERAL TRADE**  
21                   **AGREEMENT.**

22           Not later than 180 days after the date of the enact-  
23 ment of this Act, the United States Trade Representative  
24 should seek to enter into negotiations with representatives

1 from Taiwan to establish a bilateral trade agreement be-  
2 tween the United States and Taiwan.

3 **SEC. 203. UNITED STATES-TAIWAN COMBINED MILITARY**  
4 **EXERCISES AND RELATED ACTIONS.**

5 (a) **COMBINED MILITARY EXERCISES.**—The Sec-  
6 retary of Defense, in coordination with the heads of other  
7 relevant Federal agencies, should seek to carry out a pro-  
8 gram of combined military exercises between the United  
9 States, Taiwan, and, if feasible, other United States allies  
10 and partners to improve military coordination and rela-  
11 tions with Taiwan.

12 (b) **COMBINED DISASTER RELIEF EXERCISES.**—The  
13 Secretary of Defense, in coordination with the heads of  
14 other relevant Federal agencies, should engage with their  
15 counterparts in Taiwan to organize combined disaster and  
16 humanitarian relief exercises.

17 (c) **TAIWAN STRAIT TRANSITS, FREEDOM OF NAVI-**  
18 **GATION OPERATIONS, AND PRESENCE OPERATIONS.**—  
19 The Secretary of Defense should consider increasing tran-  
20 sits through the Taiwan Strait, freedom of navigation op-  
21 erations in the Taiwan Strait, and presence operations in  
22 the Western Pacific by the United States Navy, including  
23 in conjunction with United States allies and partners.

24 (d) **SENSE OF CONGRESS.**—It is the sense of Con-  
25 gress that Taiwan should dedicate additional domestic re-



1 sources toward advancing its military readiness for pur-  
2 poses of defending Taiwan, including through—

3 (1) steady increases in annual defense spending  
4 as a share of gross domestic product;

5 (2) procurements of defense technologies that  
6 directly bolster Taiwan’s asymmetric defense capa-  
7 bilities;

8 (3) reform of Taiwan’s military reserves, includ-  
9 ing increasing the length of training required and  
10 number of days required in service annually;

11 (4) participation with United States Armed  
12 Forces in combined military exercises; and

13 (5) further engagement with the United States  
14 on strengthening Taiwan’s cyber capabilities.

15 **SEC. 204. SENSE OF CONGRESS REGARDING UNITED**  
16 **STATES SUPPORT FOR DEFENDING TAIWAN.**

17 It is the sense of Congress that—

18 (1) given the security considerations posed by  
19 the People’s Republic of China, the Secretary of  
20 State should accelerate the approval of sales of de-  
21 fense articles and services to Taiwan for purposes of  
22 defending Taiwan; and

23 (2) the Secretary of Defense should offer sup-  
24 port to Taiwan by—

1 (A) continuing to send United States mili-  
2 tary advisors to Taiwan for training purposes;

3 (B) encouraging members of the United  
4 States Armed Forces to enroll in Taiwan's Na-  
5 tional Defense University;

6 (C) maintaining a significant United  
7 States naval presence within a close proximity  
8 to Taiwan; and

9 (D) reestablishing the Taiwan Patrol  
10 Force under the direction of the United States  
11 Navy.

12 **SEC. 205. HIGH-LEVEL VISITS.**

13 (a) VISIT TO TAIWAN BY PRESIDENT OF THE  
14 UNITED STATES.—Not later than 1 year after the date  
15 of the enactment of this Act, the President or the Sec-  
16 retary of State (if designated by the President), with ap-  
17 propriate interagency consultation and participation,  
18 should arrange a meeting in Taiwan with the President  
19 of Taiwan.

20 (b) VISIT TO THE UNITED STATES BY PRESIDENT  
21 OF TAIWAN.—It is the sense of Congress that the United  
22 States would benefit from a meeting in the United States  
23 between the President or the Secretary of State and the  
24 President of Taiwan.

1 **SEC. 206. SENSE OF CONGRESS REGARDING ADDRESS TO**  
2 **JOINT SESSION OF CONGRESS BY PRESIDENT**  
3 **OF TAIWAN.**

4 It is the sense of Congress that it would be beneficial  
5 for the United States and Taiwan to invite the President  
6 of Taiwan to address a joint session of Congress and sub-  
7 sequently participate in a roundtable discussion with mem-  
8 bers of Congress.

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