

154th Congress  
1st Session

# S.J.Res.2

To authorize the use of United States Armed Forces to participate in an international coalition where hostilities are imminent.

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IN THE SENATE

JUNE 14, 2022

Mr. WOLF (for himself,) introduced the following joint resolution:

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## A JOINT RESOLUTION

To authorize the use of United States Armed Forces to participate in an international coalition where hostilities are imminent.

*Whereas*, the People’s Liberation Army Navy has initiated a months-long blockade of Taiwan with no signs of loosening current restrictions placed on Taiwan;

*Whereas*, so far, two shipments of life-saving humanitarian aid, including food, water, and medicine, have arrived to Taiwan from the United States Navy, with more expected in the future;

*Whereas*, due to current restrictions in place by the People’s Liberation Army Navy, supplies such as energy and fuel are not allowed to be shipped to Taiwan;

*Whereas*, the Secretary of Defense has gathered an international coalition consisting of Australia, Canada, Japan, New Zealand, South Korea, the United Kingdom, and the United States, the purpose of which is to jointly provide humanitarian aid to Taiwan; and

*Whereas*, consistent with the War Powers Resolution, specific statutory authorization is required should the President introduce the United States Armed Forces into situations where hostilities are imminent: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This joint resolution may be cited as the “Authorization for Use of Military Force for Peace in the Taiwan Strait Resolution of 2022”.

### SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—

- (1) IN GENERAL.—The President is authorized to use all necessary and appropriate armed forces of the United States as the President determines necessary in order to deliver humanitarian aid to Taiwan as a member of the International Coalition for the Mutual Aid and Defense of Taiwan, as well as to bring peace to the Taiwan Strait.
  - (2) GEOGRAPHICAL SCOPE.—The authority granted in paragraph (1) does not authorize the President to use force in areas other than the:
    - (A) East China Sea.
    - (B) South China Sea.
    - (C) Taiwan Strait.
    - (D) Island of Formosa.
  - (3) MISSION.—The authority granted under paragraph (1) authorizes the President to use the Armed Forces to deliver humanitarian aid, achieve peace in the Taiwan Strait, and bring an end to the blockade of Taiwan.
  - (4) ASSOCIATED FORCES.—Should hostilities break out and the President determines that the use of the Armed Forces is necessary to quell attacks from the People's Republic of China, the authority granted under paragraph (1) does not authorize the President to use force against associated forces or successor entities without prior congressional approval or as set out in paragraph (5).
  - (5) SELF-DEFENSE.—It is further clarified that the President has the authority granted by Article II of the Constitution to defend the United States or United States military personnel against aggression from the People's Republic of China directed towards the United States or United States military personnel. If the Article II authority is used against any group other than the forces of the People's Republic of China, they shall be classified as an associate force, and the President must certify to Congress that there is adequate intelligence justifying such force. Congress may, however, disapprove of such classification as an associate force.
- (b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but no later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determinations on:
- (1) the circumstances necessitating the introduction of United States Armed Forces;
  - (2) the constitutional and legislative authority under which such introduction took place;
  - (3) the estimated scope and duration of the hostilities or involvement; and
  - (4) reliance by the United States on further diplomatic or other peaceful means alone either will not adequately protect the national security of the United States against

the growing crisis in Taiwan caused by the blockade from the People's Liberation Army Navy.

(c) **WAR POWERS RESOLUTION REQUIREMENTS.**—

- (1) **SPECIFIC STATUTORY AUTHORIZATION.**—Consistent with section 8(a)(1) of the War Powers Resolution ([50 U.S.C. 1547\(a\)\(1\)](#)), the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution ([50 U.S.C. 1544\(b\)](#)).
- (2) **INTRODUCTION WHERE HOSTILITIES ARE IMMINENT.**—This joint resolution is consistent with section 4(a)(1) of the War Powers Resolution ([50 U.S.C. 1543\(a\)\(1\)](#)).
- (3) **APPLICABILITY OF OTHER REQUIREMENTS.**—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

**SEC. 3. REPORTS AND BRIEFINGS.**

- (a) **REPORT ON ACTIONS UNDER SECTION 2 AUTHORITY.**—In accordance with section 4(c) of the War Powers Resolution ([50 U.S.C. 1543\(c\)](#)), at the end of the 2-month period beginning on the date of the enactment of this section, and at the end of each 2-month period thereafter, the President shall submit to Congress a report on specific actions taken pursuant to the authority granted under section 2 during that period, including—
  - (1) a list of associated forces (if applicable under section 2(a)(5)) with respect to which such authority is exercised; and
  - (2) an intelligence assessment of the risk to the United States posed by the blockade of Taiwan from the People's Liberation Army Navy and associated forces (if applicable under section 2(a)(5)).
  - (3) a military strategy to combat and defeat aggression from the People's Republic of China towards Taiwan and associated forces (if applicable under section 2(a)(5)) should hostilities break out.
- (b) **ADDITIONAL MATTERS TO BE INCLUDED.**—Each report required under this section shall also include, for the period covered by the report, the following, should hostilities break out:
  - (1) The number of civilian casualties, the number of combatant casualties, and the total number of all casualties sustained in operations conducted pursuant to the relevant authority granted under section 2.
  - (2) The methods used to limit civilian casualties in operations conducted pursuant to the relevant authority granted under section 2.
  - (3) The actual and proposed contributions, including financing, equipment, training, troops, and logistical support, provided by partners and allies of the United States for operations conducted pursuant to the relevant authority granted under section 2.

- (4) The benchmarks for assessing progress toward political, diplomatic, and military objectives in operations related to the relevant authority granted under section 2.
- (5) A description of the lessons learned from diplomatic, military, and development activities conducted in areas in which military operations were conducted pursuant to the authority granted under section 2.
- (c) FORM.—The information required under subsections (a)(1), (b)(1), and (b)(3) that is included in the reports required under this section shall be submitted in unclassified form.
- (d) BRIEFINGS.—At least once during each 6-month period described in subsection (a), the President shall provide to Congress a briefing on the matters covered by each report required under this section.

#### **SEC. 4. “ASSOCIATED FORCES” DEFINED.**

In this joint resolution, the term “associated forces” with respect to the People’s Liberation Army, means an organized, armed group that has and continues to be engaged in active hostilities against the United States as a party to an ongoing armed conflict between the United States and the People’s Liberation Army should hostilities break out.

#### **SEC. 5. COMPLIANCE WITH INTERNATIONAL LAW.**

The authorities granted in this resolution may only be exercised consistent with the United States’ obligations under international law.

#### **SEC. 6. TERMINATION.**

This joint resolution shall terminate on the date that is one year after the date of the enactment of this section, unless reauthorized by Congress.

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