European Command, the Commander of the United States Indo-Pacific Command, the Commander of the United States Central Command, and the Commander of the United States Special Operations Command during such comprehensive policy review.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(f) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2023 for the Department of Defense by this Act, $300,000 shall be made available to carry out the reports under subsections (d)(3) and (e).

(g) EXCEPTION.—The prohibition under section (a) shall not apply to the deactivation, dismantlement, or retiring of anti-personnel landmine ordnance and components for the express purpose of safety and sustainment.

SA 5591. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. ROSS (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following, as required:

SEC. 2825. BRIEFING ON FUNDING NEEDED TO ENSURE QUALITY HOUSING FOR MEMBERS OF THE ARMY.

Not later than 90 days after the date of enactment of this Act, the Secretary of the Army shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the amount of additional military construction funding needed by the Department of the Army to ensure quality housing for members of the Army.

SA 5592. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. ROSS (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1254. ASYMMETRIC DEFENSE CAPABILITIES OF TAIWAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense has warned that the Government of the People’s Republic of China may conclude that it can successfully invade and seize control of Taiwan in the latter half of the 2020s.

(2) In October 2021, the Minister of National Defense of Taiwan, Chiu Kuo-cheng, echoed these warnings when he stated that the People’s Republic of China is capable of invading Taiwan “to a minimum” after 2025.

(B) will have “lowered the costs and losses” associated with invading Taiwan “to a minimum” after 2025.

(2) If the People’s Republic of China were to invade and seize control of Taiwan, it would deal a severe blow to United States interests by—

(A) destroying one of the world’s leading democratic nations;

(B) casting doubt on the ability and resolve of the United States to uphold its security commitments.

(C) recognizing other countries in the Indo-Pacific region to bandwagon with the People’s Republic of China;

(D) facilitating the formation of a regional order dominated by the People’s Republic of China in which the Government of the People’s Republic of China may—

(i) regulate or otherwise limit the ability of individuals in the United States to trade with the United States or any other partner country;

(ii) cast doubt on the ability and resolve of the United States or any other partner country of Taiwan.

(3) To defend itself effectively, especially by ensuring that Taiwan is able to respond effectively, thereby achieving a fait accompli; and

(4) To delay, degrade, and deny attempts by the People’s Republic of China with limited support from the United States Armed Forces, especially in the initial period of war, then the People’s Republic of China may conclude that it is, or may actually be, capable of—

(A) invading and seizing control of Taiwan before the United States or any other partner country of Taiwan is able to respond effectively, thereby achieving a fait accompli; and

(B) potentially rendering any attempt by the United States or any other partner country of Taiwan to respond effectively, thereby achieving a fait accompli; and

(C) To delay, degrade, and deny an invasion by the People’s Republic of China with limited support from the United States Armed Forces, means that Taiwan may be able to delay, degrade, and deny an invasion by the People’s Republic of China with limited support from the United States Armed Forces for the initial days, weeks, or months of such an invasion.

(5) If Taiwan is unable to delay, degrade, and deny an invasion by the People’s Republic of China with limited support from the United States Armed Forces, especially in the initial period of war, then the People’s Republic of China may conclude that it is, or may actually be, capable of—

(A) invading and seizing control of Taiwan before the United States or any other partner country of Taiwan is able to respond effectively, thereby achieving a fait accompli; and

(B) potentially rendering any attempt by the United States or any other partner country of Taiwan to respond effectively, thereby achieving a fait accompli; and

(C) To delay, degrade, and deny an invasion by the People’s Republic of China with limited support from the United States Armed Forces, means that Taiwan may be able to delay, degrade, and deny an invasion by the People’s Republic of China with limited support from the United States Armed Forces for the initial days, weeks, or months of such an invasion.

(6) To defend itself effectively, especially by ensuring that Taiwan is able to respond effectively, thereby achieving a fait accompli; and

(7) The deployment of such asymmetric defense capabilities by Taiwan would not only improve the ability of Taiwan to defend itself, but also reduce operational risk to members of the United States Armed Forces under a Taiwan emergency.

(B) will have “lowered the costs and losses” associated with invading Taiwan “to a minimum” after 2025.

(3) If the People’s Republic of China were to invade and seize control of Taiwan, it would deal a severe blow to United States interests by—

(A) destroying one of the world’s leading democratic nations;

(B) casting doubt on the ability and resolve of the United States to uphold its security commitments.

(C) recognizing other countries in the Indo-Pacific region to bandwagon with the People’s Republic of China;

(D) facilitating the formation of a regional order dominated by the People’s Republic of China in which the Government of the People’s Republic of China may—

(i) regulate or otherwise limit the ability of individuals in the United States to trade with the United States or any other partner country;

(ii) cast doubt on the ability and resolve of the United States or any other partner country of Taiwan.

(3) To defend itself effectively, especially by ensuring that Taiwan is able to respond effectively, thereby achieving a fait accompli; and

(4) To delay, degrade, and deny attempts by the People’s Republic of China with limited support from the United States Armed Forces, especially in the initial period of war, then the People’s Republic of China may conclude that it is, or may actually be, capable of—

(A) invading and seizing control of Taiwan before the United States or any other partner country of Taiwan is able to respond effectively, thereby achieving a fait accompli; and

(B) potentially rendering any attempt by the United States or any other partner country of Taiwan to respond effectively, thereby achieving a fait accompli; and

(C) To delay, degrade, and deny an invasion by the People’s Republic of China with limited support from the United States Armed Forces, means that Taiwan may be able to delay, degrade, and deny an invasion by the People’s Republic of China with limited support from the United States Armed Forces for the initial days, weeks, or months of such an invasion.

(5) If Taiwan is unable to delay, degrade, and deny an invasion by the People’s Republic of China with limited support from the United States Armed Forces, especially in the initial period of war, then the People’s Republic of China may conclude that it is, or may actually be, capable of—

(A) invading and seizing control of Taiwan before the United States or any other partner country of Taiwan is able to respond effectively, thereby achieving a fait accompli; and

(B) potentially rendering any attempt by the United States or any other partner country of Taiwan to respond effectively, thereby achieving a fait accompli; and

(C) To delay, degrade, and deny an invasion by the People’s Republic of China with limited support from the United States Armed Forces, means that Taiwan may be able to delay, degrade, and deny an invasion by the People’s Republic of China with limited support from the United States Armed Forces for the initial days, weeks, or months of such an invasion.

(6) To defend itself effectively, especially by ensuring that Taiwan is able to respond effectively, thereby achieving a fait accompli; and

(7) The deployment of such asymmetric defense capabilities by Taiwan would not only improve the ability of Taiwan to defend itself, but also reduce operational risk to members of the United States Armed Forces under a Taiwan emergency.

(8) The President of Taiwan, Tsai Ing-Wen, has—

(A) vowed to bolster the national defense of Taiwan and demonstrated Taiwan’s determination to defend itself so as to ensure that Taiwan will not be forced to take the path that the People’s Republic of China has laid out for Taiwan; and

(B) advocated the deployment of asymmetric defense capabilities.

(9) The Government of Taiwan has begun taking steps to improve Taiwan’s defense capabilities, including by increasing Taiwan’s defense budget and through Taiwan’s new proposed special defense budget, but far more is needed, and the United States should provide such assistance on the condition that Taiwan—

(A) matches investments by the United States in its asymmetric defense capabilities;

(B) increases its defense spending to a level commensurate with the threat it faces;

(C) prioritizes acquiring cost-effective and resilient asymmetric defense capabilities as rapidly as possible, including from foreign suppliers, if necessary; and

(D) demonstrates progress on defense reforms required to maximize the effectiveness of its asymmetric defenses, with special regard to Taiwan’s reserve forces; and

(5) In the course of executing such a security assistance initiative, the United States should—

(A) seek to co-produce or co-develop cost-effective and resilient asymmetric defense capabilities with suppliers in Taiwan, including by providing incentives to that effect, so long as those suppliers can produce such capabilities at a reasonable cost, in the quantities required, as rapidly, and to the same quality and technical standards as suppliers in the United States or other countries; and

(B) encourage other countries, particularly United States allies and partners, to sell, lease, or otherwise provide appropriate asymmetric defense capabilities to Taiwan so as to facilitate Taiwan’s rapid deployment of the asymmetric defense capabilities required to deter or, if necessary, defeat an invasion by the People’s Republic of China.

(c) TAIWAN SECURITY ASSISTANCE INITIATIVE.

(1) IN GENERAL.—The Secretary of Defense shall establish an initiative, to be known as the “Taiwan Security Assistance Initiative” (referred to in this subsection as the “Initiative”), to accelerate Taiwan’s deployment of asymmetric defense capabilities required to deter or, if necessary, defeat an invasion by the People’s Republic of China.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000,000 for the Department of Defense for each of fiscal years 2023 through 2027 to provide assistance to the Government of Taiwan under this subsection.

(3) AUTHORITY TO PROVIDE ASSISTANCE.—

(A) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, shall use the funds authorized to be appropriated under subsection (b) to provide assistance to the Government of Taiwan for the purpose described in paragraph (4).

(B) PURPOSE.—The purpose of the Initiative is to provide assistance, including equipment, training, and other support, to the Government of Taiwan so as to accelerate Taiwan’s deployment of asymmetric defense capabilities required to achieve, with limited United States Armed Forces for the initial days, weeks, or months after the initiation of an invasion by the People’s Republic of China, the following objectives:

(4) To delay, degrade, and deny attempts by the People’s Liberation Army forces to enter
or transit the Taiwan Strait and adjoining seas.

(B) To delay, degrade, and deny attempts by People’s Liberation Army forces to secure a lodgement point on Taiwan, and to prevent any use of force.

(C) To prevent the People’s Republic of China from decapitating, seizing control of, or otherwise neutralizing or rendering ineffective the Government of Taiwan.

(5) ASYMMETRIC DEFENSE CAPABILITIES.—In this section, the term ‘asymmetric defense capabilities’ includes, in such quantities as the Secretary of Defense determines to be necessary to achieve the purpose specified in paragraph (1), the following:

(A) Mobile, ground-based coastal defense cruise missiles and launchers.

(B) Mobile, ground-based short-range and medium-range air defense systems.

(C) Smart, self-propelled naval mines and coastal minelaying platforms.

(D) Missile boats and fast-attack craft equipped with anti-ship and anti-landing craft missiles.

(E) Unmanned aerial and other mobile, resilient surveillance systems to support coastal defense operations.

(F) Equipment to support target location, tracking, identification, and targeting, especially at long-range communications degraded or denied environments.

(G) Man-portable anti-armor weapons, mortars, and small arms for ground combat operations.

(H) Equipment and technical assistance for the purpose of developing civil defense forces, composed of civilian volunteers and militia.

(I) Training and equipment, including appropriate war reserves, required for Taiwan forces to independently maintain, sustain, and employ capabilities described in subparagraphs (A) through (H).

(J) Concept development for coastal defense, air defense, decentralized command and control, civil defense, logistics, planning, and other critical military functions, with an emphasis on operations in a communications degraded or denied environment.

(K) Authorities the Secretary of Defense considers appropriate for the purpose described in paragraph (4).

(6) AVAILABILITY OF FUNDS.—

(A) THAN DECEMBER 1, 2022, and annually thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of the Congress a plan for using funds authorized to be appropriated under paragraph (2) for the purpose specified in paragraph (4).

(B) MILESTONES CERTIFICATION.—Amounts authorized to be appropriated under paragraph (2) for fiscal year 2023 may not be obligated or expended until the date on which the Secretary of Defense, in coordination with the Secretary of State, certifies that the Government of Taiwan has requested the sale, lease, or other provision of military capabilities other than such asymmetric defense capabilities.

(C) SUBSEQUENT CERTIFICATIONS.—Amounts authorized to be appropriated under paragraph (2) for each of fiscal years 2024, 2025, and 2026, may not be obligated or expended until the date on which the Secretary of Defense, in coordination with the Secretary of State, certifies that the Government of Taiwan has requested the sale, lease, or other provision of military capabilities other than such asymmetric defense capabilities.

(D) NOTIFICATION TO CONGRESS.—Not later than 30 days after making a certification under subparagraph (B) or (C), the Secretary of Defense shall notify the appropriate committees of Congress a notice and explanation of such certification.

(E) REMAINING FUNDS.—(I) In undertaking the subject to clause (ii), amounts appropriated for a fiscal year pursuant to the authorization of appropriations under paragraph (2) that are not obligated and expended in the preceding fiscal year shall be added to the amount that may be used for the Initiative in the subsequent fiscal year.

(II) RECISSION.—Amounts appropriated pursuant to subparagraph (A) that remain unobligated by the end of fiscal year 2027 shall be rescinded and deposited into the general fund of the Treasury.

(7) DEFENSE ARTICLES AND SERVICES FROM UNITED STATES INVENTORY AND OTHER SOURCES.—

(A) IN GENERAL.—In addition to assistance provided pursuant to paragraph (3), the Secretary of Defense, in coordination with the Secretary of State, may make available to Taiwan, without charge, any military articles, and other quantities of military articles, as the Secretary of Defense considers appropriate for the purpose described in paragraph (4), the following:

(i) Weapons systems or other military articles from the United States inventory.

(ii) Excess defense articles from the United States inventory.

(iii) Defense services.

(B) REPLACEMENT.—Amounts for the replacement of any item of military equipment provided to the Government of Taiwan under subparagraph (A)(i) may be made available from the amount authorized to be appropriated under paragraph (2).

(8) TERMINATION OF AUTHORITY.—Assistance may not be provided under this subsection after September 30, 2027.

(d) LIMITATION ON CONVENTIONAL ARMS SALES TO TAIWAN.

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) historically, the Government of Taiwan has prioritized the acquisition of conventional weapons that would be of limited utility in deterring or defeating an invasion by the People’s Republic of China at the expense of the timely acquisition of cost-effective and resilient asymmetric defense capabilities;

(B) the United States Government has often shared responsibility for the misguided prioritization of defense acquisitions described in subparagraph (A) has not only undermined the ability of Taiwan to deter or defeat an invasion by the People’s Republic of China, but has also placed at greater risk of death or injury to members of the United States Armed Forces who may come under attack or be asked to come to the aid of Taiwan to repel such an invasion;

(C) any future sales, leases, or other provision of conventional weaponry to Taiwan by the United States should be conditioned on meaningful progress by the Government of Taiwan on the acquisition of appropriate asymmetric defense capabilities.

(2) STATEMENT OF POLICY.—For each of fiscal years 2023 through 2027, the United States Government shall not sell, lease, or otherwise provide military capabilities to Taiwan other than asymmetric defense capabilities described in paragraph (5) of subsection (c) until the earlier of—

(A) the date on which the Secretary of Defense submitted a notification under paragraph (8)(D) of this subsection for the fiscal year in which the Government of Taiwan has requested the sale, lease, or other provision of military capabilities other than such asymmetric defense capabilities; or

(B) the date on which the Secretary of Defense certifies to the appropriate committees of Congress that the sale, lease, or other provision to Taiwan of military capabilities other than such asymmetric defense capabilities—

(i) is necessary to enhance the ability of Taiwan to deter or, if necessary, defeat an invasion by the People’s Republic of China; or

(ii) will not slow, delay, limit, or otherwise detract from or undermine the ability of Taiwan to deploy such asymmetric defense capabilities.
SA 5593, Mr. YOUNG (for himself, Mr. CARPER, Mr. CORY, and Mr. CRAPRO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7590, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1276. SENSE OF CONGRESS ON DIGITAL TRADE.

(a) FINDINGS.—Congress makes the following findings:

(1) Over half of the world’s population, totaling more than 5,000,000,000 people, use the Internet.

(2) The digital economy encompasses the economic and social activity from billions of online connections among people, businesses, devices, and machines, and as a result of the Internet, including mobile technology, and the Internet of things.

(3) The Bureau of Economic Analysis found that the digital economy contributed nearly 10.2 percent of United States gross domestic product and supported 7,300,000 United States jobs in 2021.

(4) The technology-commerce ecosystem added $2,400,000 jobs between 2017 and 2021, and served as the main job-creating sector in 40 States.

(5) United States jobs supported by the digital economy have sustained annual wage growth at a rate of 5.9 percent since 2010, as compared to a 4.2 percent for all jobs.

(6) In 2020, United States exports of digital services surpassed $520,000,000,000, accounting for more than half of all United States services exports and generating a digital services trade surplus for the United States of $214,000,000,000.

(7) Digital trade bolsters the digital economy by facilitating the sale of goods on the internet and the supply of online services across borders and depends on the free flow of data across borders to promote commerce, manufacturing, and innovation.

(8) Digital trade has become increasingly vital to United States workers and businesses of all sizes, including the countless small and medium-sized enterprises that use digital technologies, data flows, and e-commerce to export goods and services across the world.

(9) Digital trade has advanced entrepreneurship opportunities for women, people of color, and individuals from otherwise underrepresented backgrounds and enabled the formation of new start-ups.

(10) International supply chains are becoming increasingly digitized and data driven and businesses in a variety of industries, such as construction, healthcare, transportation, and aerospace, invested heavily in digital supply chain technologies in 2020.

(11) United States Trade Representative Katherine Tai said, "[T]here is no bright line between the digital economy and the ‘traditional’ economy for that matter. Nearly every aspect of our economic life—education, work, healthcare, manufacturing, and social and human potential of digital trade.

(25) Examples of the plethora of nontariff barriers to digital trade that have emerged around the globe include:

(A) overly restrictive data localization requirements and limitations on cross border data flows that do not achieve legitimate public policy objectives;

(B) intellectual property rights infringement;

(C) policies that make market access contingent on local content or requirements, or voluntary transfers subject to coercive terms;

(D) web filtering;

(E) economic espionage;

(F) cybercrime exposure; and

(G) government-directed theft of trade secrets.

(26) Certain countries are pursuing or have implemented digital policies that unfairly discriminate against innovative United States technology companies and United States workers, which risk separating digital trade from the digital economy—or the ‘traditional’ economy for that matter. Nearly every aspect of our economic life—education, work, healthcare, manufacturing, and social and human potential of digital trade.

(27) The Government of the People’s Republic of China is currently advancing a variety of challenges or threats to the digital economy domestically and abroad through its Digital Silk Road Initiative that permits censorship, surveillance, human and worker rights abuses, forced technology transfers, and data flow restrictions at the expense of human and worker rights, privacy, the free flow of data, and an open and competitive digital economy.

(28) The 2020 Country Reports on Human Rights Practices of the Department of State highlighted significant human rights issues introduced by the People’s Republic of China in the digital realm, including ‘arbitrary interference with privacy; pervasive and intrusive technical surveillance and monitoring; restrictions on access to social media or internet, including physical attacks on and criminal prosecution of journalists, lawyers, workers, bloggers, dissidents, petitioners, and others as well as their family members, and censorship and site blocking.’”

The United States discourages digital authoritarianism, including practices that undermine human and worker rights and result in other social and economic coercion.

(30) Allies and trading partners of the United States in the Indo-Pacific region have urged the United States to deepen economic engagement in the region by negotiating rules on digital trade and technology standards.

(31) The digital economy has provided new opportunities for economic development, entrepreneurship, and growth in developing countries around the world.

(32) Negotiating strong digital trade principles and commitments with allies and partners across the globe and the United States to unite like-minded economies around common standards and ensure that global digital rules reflect United States values of democracy, rule of law, freedom of speech, human and worker rights, privacy, and a free and open internet are at the very core of digital governance.

(33) Government-to-government and substantive engagement is necessary to ensure that global digital rules reflect United States values so that workers are treated fairly, small businesses can compete and win in the global economy, and consumers are guaranteed the right to privacy and security.

(34) The United States supports rules that reduce digital trade barriers, promote free expression and the free flow of information, enhance privacy protections, protect sensitive information, defend human and worker rights, promote trade, and promote digitally enabled commerce.

(35) The United States supports efforts to cooperate with allies and trading partners to mitigate the risks of digital authoritarianism potentially illegal or deceptive business activities online, promote financial inclusion and digital workforce skills, and develop rules to govern the use of artificial intelligence and other emerging and future technologies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should negotiate strong, inclusive, forward-looking, and enabling rules on digital trade in the digital economy with like-minded countries as part of a broader trade and economic strategy to address digital barriers and ensure that the United States values of democracy, rule of law, freedom of speech, human and worker rights, privacy, and a free and open internet are at the very core of the digital world and advanced technology.

(2) in conducting such negotiations, the United States must—

(A) pursue digital trade rules that—

(i) are consistent with the best interests of workers, consumers, and small and medium-sized enterprises;

(ii) empower United States workers;

(iii) safeguard growth; and

(iv) lead to materially positive economic outcomes for all people in the United States;