

118TH CONGRESS
1ST SESSION

H. R. 5753

To reactivate and repurpose canceling funds to deter the Chinese Communist Party before such funds are extracted from the Department of Defense on October 1, 2023.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2023

Mr. GALLAGHER introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reactivate and repurpose canceling funds to deter the Chinese Communist Party before such funds are extracted from the Department of Defense on October 1, 2023.

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. FUNDING INDO-PACIFIC READINESS AND EN-**
4 **HANCING STOCKPILES FUND TO DETER THE**
5 **CHINESE COMMUNIST PARTY.**

6 (a) ESTABLISHMENT.—There is established in the
7 Treasury a fund to be known as the “Funding Indo-Pa-

1 cific Readiness and Enhancing Stockpiles Fund” or the
2 “FIRES” Fund (hereafter in this section referred to as
3 the “Fund”). There shall be deposited into the Fund
4 amounts transferred under subsection (c), which shall be
5 used only for the purposes specified in subsection (d).

6 (b) CONTROL OF THE FUND.—The Fund shall be
7 under the control of the Secretary of Defense acting in
8 consultation with the Under Secretary of Defense for Ac-
9 quisition and Sustainment.

10 (c) TRANSFER OF EXPIRED AMOUNTS.—

11 (1) IN GENERAL.—Subject to paragraph (2),
12 the Secretary of Defense shall transfer into the
13 Fund any amounts previously appropriated for to
14 the Department of Defense for procurement; re-
15 search, development, test, and evaluation; operation
16 and maintenance; or military personnel that are un-
17 obligated on the last day of the fifth fiscal year after
18 the period of availability for obligation of such
19 amounts ends pursuant to section 1552 of title 31,
20 United States Code.

21 (2) TREATMENT OF CERTAIN UNOBLIGATED
22 FUNDS.—In carrying out paragraph (1), the Sec-
23 retary of Defense may elect to use all or a portion
24 of unobligated amounts previously appropriated for
25 military personnel or operation and maintenance—

1 (A) for transfers to the Foreign Currency
2 Fluctuations Account in accordance with sec-
3 tion 2779(d) of title 10, United States Code; or

4 (B) for transfers to the Fund.

5 (d) USE OF FUNDS.—Subject to subsections (e)
6 through (h), monies deposited into the Fund shall be avail-
7 able, without fiscal year limitation, for expenditure. Funds
8 deposited into the account as designated in subsection (c)
9 of this section shall be made available, without fiscal year
10 limitation, for expenditures only for advancing the fol-
11 lowing purposes:

12 (1) The production of munitions, the expansion
13 of munitions production capacity, and the construc-
14 tion of facilities for the production, storage, and
15 transport of munitions, including government-owned
16 munitions facilities specializing in solid rocket motor
17 production, prioritizing weapons platforms identified
18 in the reports submitted under section 1251(d)(1) of
19 the William M. (Mac) Thornberry National Defense
20 Authorization Act for Fiscal Year 2021 (10 U.S.C.
21 113 note), in concurrence with the Commander of
22 the United States Indo-Pacific Command.

23 (2) Shipbuilding and conversion, associated fa-
24 cilities, and programs in support of section 1025 of

1 the National Defense Authorization Act for Fiscal
2 Year 2018 (10 U.S.C. 7291 note).

3 (3) Within the Indo-Pacific Theater, expedi-
4 tionary air base infrastructure, forward arming and
5 refueling sites, facilities enabling the pre-positioning
6 of military stocks and logistics capabilities, and in-
7 stallations to support Navy vessel mobility.

8 (e) RESERVATION.—Not less than 10 percent of
9 amounts deposited into the Fund shall be used for loans
10 or grants to, or contracts with nontraditional defense con-
11 tractors and small- and medium-sized businesses.

12 (f) CONTRACT AUTHORITIES.—To carry out the pur-
13 poses of this section, the Secretary may, in addition to
14 any other authorities provided under law—

15 (1) use other transactional authorities described
16 in sections 4021 and 4022 of title 10, United States
17 Code; and

18 (2) enter into multiyear contracts in accordance
19 with section 3501 of such title.

20 (g) CONGRESSIONAL NOTICE AND APPROVAL OF
21 CONTRACTS.—No contract may be entered into using
22 amounts in the Fund until—

23 (1) the Secretary of Defense submits to the
24 congressional defense committees written notice of
25 the intent to enter into such contract; and

1 (2) a period of 15 days has elapsed following
2 the date of the submittal of such notice.

3 (h) RETURN OF EXPIRED AMOUNTS.—Any amounts
4 transferred to the Fund under subsection (c) that are un-
5 obligated on the date that is 10 years after the date of
6 such transfer shall be returned to the general fund of the
7 Treasury.

8 (i) REPORTS.—

9 (1) REPORTS ON TRANSFERS AND EXPENDI-
10 TURES.—Not later than 90 days after the first
11 transfer of amounts to the Fund under subsection
12 (c), and not less frequently than once every 180
13 days thereafter, the Under Secretary of Defense for
14 Acquisition and Sustainment shall submit to the
15 congressional defense committees a report on ex-
16 penditures made from the Fund. Each report shall
17 identify—

18 (A) the amount and source of any appro-
19 priations transferred to the Fund under sub-
20 section (c);

21 (B) the specific expenditures for which
22 such amounts were used after such transfer;
23 and

24 (C) the balance of funds remaining in the
25 Fund.

1 (2) REPORTS ON EXPIRED AMOUNTS.—On a
2 quarterly basis, the Secretary of Defense shall sub-
3 mit to the congressional defense committees a report
4 identifying any amounts described in subsection
5 (c)—

6 (A) that are available and have not yet
7 been transferred to the Fund; or

8 (B) that are expected to become available
9 for transfer to the fund, regardless of when
10 such availability is expected to occur.

11 (3) GAO REVIEW AND VERIFICATION.—Not
12 later than 30 days after the submittal of each report
13 described in paragraphs (1) and (2), the Comptroller
14 General of the United States shall—

15 (A) review and verify the information con-
16 tained the report; and

17 (B) submit to the congressional defense
18 committees a report on the results of such re-
19 view and verification.

20 (j) CONGRESSIONAL DEFENSE COMMITTEES DE-
21 FINED.—In this section, the term “congressional defense
22 committees” has the meaning given such term in section
23 101 of title 10, United States Code.

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