

118TH CONGRESS
2D SESSION

H. R. 8036

Making emergency supplemental appropriations for assistance for the Indo-Pacific region and for related expenses for the fiscal year ending September 30, 2024, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2024

Mr. COLE (for himself, Mr. CALVERT, and Mr. DIAZ-BALART) introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, 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

Making emergency supplemental appropriations for assistance for the Indo-Pacific region and for related expenses for the fiscal year ending September 30, 2024, 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 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2024, and for other pur-
6 poses, namely:

1 TITLE I
2 DEPARTMENT OF DEFENSE
3 OPERATION AND MAINTENANCE
4 OPERATION AND MAINTENANCE, NAVY

5 For an additional amount for “Operation and Main-
6 tenance, Navy”, \$557,758,000, to remain available until
7 September 30, 2024, to support improvements to the sub-
8 marine industrial base and for related expenses: *Provided*,
9 That such amount is designated by the Congress as being
10 for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 OPERATION AND MAINTENANCE, DEFENSE-WIDE
14 (INCLUDING TRANSFERS OF FUNDS)

15 For an additional amount for “Operation and Main-
16 tenance, Defense-Wide”, \$1,900,000,000, to remain avail-
17 able until September 30, 2025, to respond to the situation
18 in Taiwan and for related expenses: *Provided*, That such
19 funds may be transferred to accounts under the headings
20 “Operation and Maintenance”, “Procurement”, and “Re-
21 volving and Management Funds” for replacement,
22 through new procurement or repair of existing unservice-
23 able equipment, of defense articles from the stocks of the
24 Department of Defense, and for reimbursement for de-
25 fense services of the Department of Defense and military

1 education and training, provided to Taiwan or identified
2 and notified to Congress for provision to Taiwan or to for-
3 eign countries that have provided support to Taiwan at
4 the request of the United States: *Provided further*, That
5 funds transferred pursuant to the preceding proviso shall
6 be merged with and available for the same purposes and
7 for the same time period as the appropriations to which
8 the funds are transferred: *Provided further*, That the Sec-
9 retary of Defense shall notify the congressional defense
10 committees of the details of such transfers not less than
11 15 days before any such transfer: *Provided further*, That
12 upon a determination that all or part of the funds trans-
13 ferred from this appropriation are not necessary for the
14 purposes provided herein, such amounts may be trans-
15 ferred back and merged with this appropriation: *Provided*
16 *further*, That any transfer authority provided herein is in
17 addition to any other transfer authority provided by law:
18 *Provided further*, That such amount is designated by the
19 Congress as being for an emergency requirement pursuant
20 to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 PROCUREMENT

23 SHIPBUILDING AND CONVERSION, NAVY

24 For an additional amount for “Shipbuilding and Con-
25 version, Navy”, \$2,155,000,000, to remain available until

1 September 30, 2028, to support improvements to the sub-
2 marine industrial base and for related expenses: *Provided*,
3 That of the total amount provided under this heading in
4 this Act, funds shall be available as follows:

5 Columbia Class Submarine (AP),
6 \$1,955,000,000; and

7 Virginia Class Submarine (AP), \$200,000,000:
8 *Provided further*, That such amount is designated by the
9 Congress as being for an emergency requirement pursuant
10 to section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 OTHER PROCUREMENT, NAVY

13 For an additional amount for “Other Procurement,
14 Navy”, \$293,570,000, to remain available until September
15 30, 2026, to support improvements to the submarine in-
16 dustrial base and for related expenses: *Provided*, That
17 such amount is designated by the Congress as being for
18 an emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 DEFENSE PRODUCTION ACT PURCHASES

22 For an additional amount for “Defense Production
23 Act Purchases”, \$132,600,000, to remain available until
24 expended, for activities by the Department of Defense pur-
25 suant to sections 108, 301, 302, and 303 of the Defense

1 Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and
2 4533): *Provided*, That such amounts shall be obligated
3 and expended by the Secretary of Defense as if delegated
4 the necessary authorities conferred by the Defense Pro-
5 duction Act of 1950: *Provided further*, That such amount
6 is designated by the Congress as being for an emergency
7 requirement pursuant to section 251(b)(2)(A)(i) of the
8 Balanced Budget and Emergency Deficit Control Act of
9 1985.

10 RESEARCH, DEVELOPMENT, TEST AND
11 EVALUATION

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
13 NAVY

14 For an additional amount for “Research, Develop-
15 ment, Test and Evaluation, Navy”, \$7,000,000, to remain
16 available until September 30, 2025, to support improve-
17 ments to the submarine industrial base and for related ex-
18 penses: *Provided*, That such amount is designated by the
19 Congress as being for an emergency requirement pursuant
20 to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 GENERAL PROVISIONS—THIS TITLE

23 SEC. 101. For an additional amount for the Depart-
24 ment of Defense, \$542,400,000, to remain available until
25 September 30, 2024, for transfer to operation and mainte-

1 nance accounts, procurement accounts, and research, de-
2 velopment, test and evaluation accounts, in addition to
3 amounts otherwise made available for such purpose, only
4 for unfunded priorities of the United States Indo-Pacific
5 Command for fiscal year 2024 (as submitted to Congress
6 pursuant to section 1105 of title 31, United States Code):
7 *Provided*, That none of the funds provided under this sec-
8 tion may be obligated or expended until 30 days after the
9 Secretary of Defense, through the Under Secretary of De-
10 fense (Comptroller), provides the Committees on Appro-
11 priations of the House of Representatives and the Senate
12 a detailed execution plan for such funds: *Provided further*,
13 That not less than 15 days prior to any transfer of funds,
14 the Secretary of Defense shall notify the congressional de-
15 fense committees of the details of any such transfer: *Pro-*
16 *vided further*, That upon transfer, the funds shall be
17 merged with and available for the same purposes, and for
18 the same time period, as the appropriation to which trans-
19 ferred: *Provided further*, That any transfer authority pro-
20 vided herein is in addition to any other transfer authority
21 provided by law: *Provided further*, That such amount is
22 designated by the Congress as being for an emergency re-
23 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
24 anced Budget and Emergency Deficit Control Act of 1985.

1 TITLE II
2 DEPARTMENT OF DEFENSE
3 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS
4 For an additional amount for “Military Construction,
5 Navy and Marine Corps”, \$281,914,000, to remain avail-
6 able until September 30, 2028, to support improvements
7 to the submarine industrial base and for related expenses:
8 *Provided*, That not later than 60 days after the date of
9 enactment of this Act, the Secretary of the Navy, or their
10 designee, shall submit to the Committees on Appropria-
11 tions of the House of Representatives and the Senate an
12 expenditure plan for funds provided under this heading
13 in this Act: *Provided further*, That such funds may be obli-
14 gated or expended for planning and design and military
15 construction projects not otherwise authorized by law:
16 *Provided further*, That such amount is designated by the
17 Congress as being for an emergency requirement pursuant
18 to section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.

1 TITLE III
2 DEPARTMENT OF STATE AND RELATED
3 AGENCY
4 INTERNATIONAL SECURITY ASSISTANCE
5 FUNDS APPROPRIATED TO THE PRESIDENT
6 FOREIGN MILITARY FINANCING PROGRAM

7 For an additional amount for “Foreign Military Fi-
8 nancing Program”, \$2,000,000,000, to remain available
9 until September 30, 2025, for assistance for the Indo-Pa-
10 cific region and for related expenses: *Provided*, That
11 amounts made available under this heading in this Act and
12 unobligated balances of amounts made available under
13 this heading in Acts making appropriations for the De-
14 partment of State, foreign operations, and related pro-
15 grams for fiscal year 2024 and prior fiscal years shall be
16 available for the cost of loans and loan guarantees as au-
17 thorized by section 2606 of the Ukraine Supplemental Ap-
18 propriations Act, 2022 (division N of Public Law 117–
19 103), subject to the terms and conditions provided in such
20 section, or as otherwise authorized by law: *Provided fur-*
21 *ther*, That loan guarantees made using amounts described
22 in the preceding proviso for loans financed by the Federal
23 Financing Bank may be provided notwithstanding any
24 provision of law limiting the percentage of loan principal
25 that may be guaranteed: *Provided further*, That up to

1 \$5,000,000 of funds made available under this heading in
2 this Act, in addition to funds otherwise available for such
3 purposes, may be used by the Department of State for
4 necessary expenses for the general costs of administering
5 military assistance and sales, including management and
6 oversight of such programs and activities: *Provided fur-*
7 *ther*, That such amount is designated by the Congress as
8 being for an emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 INTERNATIONAL ASSISTANCE PROGRAMS

12 MULTILATERAL ASSISTANCE

13 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT

14 ASSOCIATION

15 For an additional amount for “Contribution to the
16 International Development Association”, \$250,000,000, to
17 remain available until expended, which shall be made
18 available for a contribution to the International Develop-
19 ment Association Special Program to Enhance Crisis Re-
20 sponse Window: *Provided*, That such amount is designated
21 by the Congress as being for an emergency requirement
22 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
23 et and Emergency Deficit Control Act of 1985.

1 GENERAL PROVISIONS—THIS TITLE

2 (INCLUDING TRANSFERS OF FUNDS)

3 SEC. 301. During fiscal year 2024, section 506(a)(1)
4 of the Foreign Assistance Act of 1961 (22 U.S.C.
5 2318(a)(1)) shall be applied by substituting
6 “\$7,800,000,000” for “\$100,000,000”.

7 SEC. 302. During fiscal year 2024, section
8 506(a)(2)(B) of the Foreign Assistance Act of 1961 (22
9 U.S.C. 2318(a)(2)(B)) shall be applied by substituting
10 “\$400,000,000” for “\$200,000,000” in the matter pre-
11 ceding clause (i), and by substituting “\$150,000,000” for
12 “\$75,000,000” in clause (i).

13 SEC. 303. During fiscal year 2024, section 552(c)(2)
14 of the Foreign Assistance Act of 1961 (22 U.S.C.
15 2348a(c)(2)) shall be applied by substituting
16 “\$50,000,000” for “\$25,000,000”.

17 SEC. 304. (a) Section 2606 of the Ukraine Supple-
18 mental Appropriations Act, 2022 (division N of Public
19 Law 117–103) is amended as follows:

20 (1) in subsection (a), by striking “and North Atlantic
21 Treaty Organization (NATO) allies” and inserting “,
22 North Atlantic Treaty Organization (NATO) allies, major
23 non-NATO allies, and the Indo-Pacific region”; by strik-
24 ing “\$4,000,000,000” and inserting “\$8,000,000,000”;
25 and by striking “, except that such rate may not be less

1 than the prevailing interest rate on marketable Treasury
2 securities of similar maturity”.

3 (2) in subsection (b), by striking “and NATO allies”
4 and inserting “, NATO allies, major non-NATO allies, and
5 the Indo-Pacific region”; by striking “\$4,000,000,000”
6 and inserting “\$8,000,000,000”; and by inserting at the
7 end of the second proviso “except for guarantees of loans
8 by the Federal Financing Bank”.

9 (b) Funds made available for the costs of direct loans
10 and loan guarantees for major non-NATO allies and the
11 Indo-Pacific region pursuant to section 2606 of division
12 N of Public Law 117–103, as amended by subsection (a),
13 may only be made available from funds appropriated by
14 this Act under the heading “Foreign Military Financing
15 Program” and available balances from under such heading
16 in prior Acts making appropriations for the Department
17 of State, foreign operations, and related programs: *Pro-*
18 *vided*, That such funds may only be made available if the
19 Secretary of State certifies and reports to the appropriate
20 congressional committees, not less than 15 days prior to
21 the obligation of such funds, that such direct loan or loan
22 guarantee is in the national security interest of the United
23 States, is being provided in response to exigent cir-
24 cumstances, is addressing a mutually agreed upon emer-
25 gency requirement of the recipient country, and the recipi-

1 ent country has a plan to repay such loan: *Provided fur-*
2 *ther*, That not less than 60 days after the date of enact-
3 ment of this Act, the Secretary of State shall consult with
4 such committees on the implementation of this subsection.

5 (c) Amounts repurposed pursuant to this section that
6 were previously designated by the Congress as an emer-
7 gency requirement pursuant to a concurrent resolution on
8 the Budget are designated as an emergency requirement
9 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
10 et and Emergency Deficit Control Act of 1985.

11 SEC. 305. Prior to the initial obligation of funds
12 made available in this title in this Act, but not later than
13 15 days after the date of enactment of this Act, the Sec-
14 retary of State and the Secretary of the Treasury, as ap-
15 propriate, shall submit to the Committees on Appropria-
16 tions spend plans, as defined in section 7034(s)(4) of the
17 Department of State, Foreign Operations, and Related
18 Programs Appropriations Act, 2023 (division K of Public
19 Law 117–328), at the country, account, and program
20 level, for funds appropriated by this Act under the head-
21 ings “Foreign Military Financing Program” and “Con-
22 tribution to the International Development Association”:
23 *Provided*, That plans submitted pursuant to this para-
24 graph shall include for each program notified—(A) total
25 funding made available for such program, by account and

1 fiscal year; (B) funding that remains unobligated for such
2 program from prior year base or supplemental appropria-
3 tions; (C) funding that is obligated but unexpended for
4 such program; and (D) funding committed, but not yet
5 notified for such program.

TITLE IV

1

GENERAL PROVISIONS—THIS ACT

2

3 SEC. 401. Each amount appropriated or made avail-
4 able by this Act is in addition to amounts otherwise appro-
5 priated for the fiscal year involved.

6 SEC. 402. No part of any appropriation contained in
7 this Act shall remain available for obligation beyond the
8 current fiscal year unless expressly so provided herein.

9 SEC. 403. Unless otherwise provided for by this Act,
10 the additional amounts appropriated by this Act to appro-
11 priations accounts shall be available under the authorities
12 and conditions applicable to such appropriations accounts
13 for fiscal year 2024.

14 SEC. 404. Funds appropriated by this Act for foreign
15 assistance (including foreign military sales), for the De-
16 partment of State, for broadcasting subject to supervision
17 of United States Agency for Global Media, and for intel-
18 ligence or intelligence related activities are deemed to be
19 specifically authorized by the Congress for the purposes
20 of section 10 of Public Law 91–672 (22 U.S.C. 2412),
21 section 15 of the State Department Basic Authorities Act
22 of 1956 (22 U.S.C. 2680), section 313 of the Foreign Re-
23 lations Authorization Act, Fiscal Years 1994 and 1995
24 (22 U.S.C. 6212), and section 504(a)(1) of the National
25 Security Act of 1947 (50 U.S.C. 3094(a)(1)).

