

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4809

---

IN THE SENATE OF THE UNITED STATES

JULY 30, 2014

Received

---

## AN ACT

To reauthorize the Defense Production Act, to improve the Defense Production Act Committee, 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,*

1 **SECTION 1. REAUTHORIZATION.**

2 Section 717(a) of the Defense Production Act of  
3 1950 (50 U.S.C. App. 2166(a)) is amended—

4 (1) by striking “2014” and inserting “2019”;  
5 and

6 (2) by striking “on or after the date of enact-  
7 ment of the Defense Production Act Reauthorization  
8 of 2009”.

9 **SEC. 2. DEFENSE PRODUCTION ACT COMMITTEE IMPROVE-  
10 MENTS.**

11 Section 722 of the Defense Production Act of 1950  
12 (50 U.S.C. App. 2171) is amended—

13 (1) in subsection (a)—

14 (A) by striking “advise the President” and  
15 inserting “coordinate and plan for”; and

16 (B) by striking “the authority” and insert-  
17 ing “the priorities and allocations authorities”;

18 (2) in subsection (b), by amending paragraph  
19 (2) to read as follows:

20 “(2) The Chairperson of the Committee shall be  
21 the head of the agency to which the President has  
22 delegated primary responsibility for government-wide  
23 coordination of the authorities in this Act.”;

24 (3) by amending subsection (c) to read as fol-  
25 lows:

1 “(c) COORDINATION OF COMMITTEE ACTIVITIES.—

2 The Chairperson shall appoint one person to coordinate

3 all of the activities of the Committee, and such person

4 shall—

5 “(1) be a full-time employee of the Federal

6 Government;

7 “(2) report to the Chairperson; and

8 “(3) carry out such activities relating to the

9 Committee as the Chairperson may determine appro-

10 priate.”; and

11 (4) in subsection (d)—

12 (A) by striking “Not later than” and all

13 that follows through “Committee shall submit”

14 and inserting the following: “The Committee

15 shall issue a report each year by March 31”;

16 (B) by striking “each member of the Com-

17 mittee” and inserting “the Chairperson”;

18 (C) in paragraph (1)—

19 (i) by striking “a review of the au-

20 thority under this Act of” and inserting “a

21 description of the contingency planning

22 by”; and

23 (ii) by inserting before the semicolon

24 the following: “for events that might re-

1           require the use of the priorities and alloca-  
2           tions authorities”;

3           (D) in paragraph (2), by striking “author-  
4           ity described in paragraph (1)” and inserting  
5           “priorities and allocations authorities in this  
6           Act”;

7           (E) by amending paragraph (3) to read as  
8           follows:

9           “(3) recommendations for legislation actions, as  
10          appropriate, to support the effective use of the prior-  
11          ities and allocations authorities in this Act;”;

12          (F) in paragraph (4), by striking “all as-  
13          pects of” and all that follows through the end  
14          of the paragraph and inserting “the use of the  
15          priorities and allocations authorities in this  
16          Act;” and

17          (G) by adding at the end the following:

18          “(5) up-to-date copies of the rules described  
19          under section 101(d)(1); and

20          “(6) short attestations signed by each member  
21          of the Committee stating their concurrence in the re-  
22          port.”.

23 **SEC. 3. UPDATED RULEMAKING.**

24          Section 101(d)(1) of the Defense Production Act of  
25          1950 (50 U.S.C. App. 2071(d)(1)) is amended by striking

1 “not later than” and all that follows through “rules” and  
2 inserting the following: “issue, and annually review and  
3 update whenever appropriate, final rules”.

4 **SEC. 4. PRESIDENTIAL DETERMINATION.**

5 (a) IN GENERAL.—Section 303(a) of the Defense  
6 Production Act of 1950 (50 U.S.C. App. 2093(a)) is  
7 amended—

8 (1) in paragraph (5)—

9 (A) by striking “determines” and inserting  
10 the following: “, on a non-delegable basis, deter-  
11 mines, with appropriate explanatory material  
12 and in writing,”;

13 (B) in subparagraph (A), by striking  
14 “and” at the end;

15 (C) in subparagraph (B), by striking the  
16 period and inserting “; and”; and

17 (D) by adding at the end the following:

18 “(C) purchases, purchase commitments, or  
19 other action pursuant to this section are the  
20 most cost effective, expedient, and practical al-  
21 ternative method for meeting the need.”; and

22 (2) in paragraph (6), by adding at the end the  
23 following:

24 “(C) LIMITATION.—If the taking of any  
25 action or actions under this section to correct

1 an industrial resource shortfall would cause the  
2 aggregate outstanding amount of all such ac-  
3 tions for such industrial resource shortfall to  
4 exceed \$50,000,000, no such action or actions  
5 may be taken, unless such action or actions are  
6 authorized to exceed such amount by an Act of  
7 Congress.”.

8 (b) EXCEPTION.—Section 303(a)(6)(C) of the De-  
9 fense Production Act of 1950, as added by subsection  
10 (a)(2), shall not apply to a project undertaken pursuant  
11 to a determination made before the date of the enactment  
12 of this Act.

13 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

14 Section 711 of the Defense Production Act of 1950  
15 (50 U.S.C. App. 2161) is amended—

16 (1) by striking “are hereby authorized to be ap-  
17 propriated such sums as may be necessary and ap-  
18 propriate” and inserting “ is authorized to be appro-  
19 priated \$133,000,000 for fiscal year 2015 and each  
20 fiscal year thereafter”; and

