

118TH CONGRESS
1ST SESSION

H. R. 2780

To amend the Defense Production Act of 1950 to provide that authority under the Act can only be exercised during a period in which Congress has formally declared war, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2023

Mr. PERRY (for himself, Mr. TIFFANY, Mr. OGLES, and Mr. DAVIDSON) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Defense Production Act of 1950 to provide that authority under the Act can only be exercised during a period in which Congress has formally declared war, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DPA Reform Act of
5 2023”.

1 **SEC. 2. DECLARATION OF WAR REQUIRED TO EXERCISE**
2 **AUTHORITY UNDER THE DPA.**

3 (a) **PRIORITIES AND ALLOCATIONS.**—Title I of the
4 Defense Production Act of 1950 (50 U.S.C. 4511 et seq.)
5 is amended—

6 (1) in section 101—

7 (A) in subsection (a) by striking “author-
8 ized” and inserting “authorized, during a pe-
9 riod in which Congress has formally declared
10 war,”; and

11 (B) in subsection (c)(1) by inserting “dur-
12 ing a period in which Congress has formally de-
13 clared war,” after “may,”;

14 (2) in section 102 by inserting “during a period
15 in which Congress has formally declared war,” after
16 “hoarding,”; and

17 (3) in section 107(b)(1) by striking “peacetime,
18 graduated mobilization, and national emergency”
19 and inserting “a period in which Congress has for-
20 mally declared war”.

21 (b) **EXPANSION OF PRODUCTIVE CAPACITY AND SUP-**
22 **PLY.**—Title III of the Defense Production Act of 1950 (50
23 U.S.C. 4531 et seq.) is amended—

24 (1) in section 301(a)(1) by striking “the Presi-
25 dent may authorize” and inserting “the President

1 may, during a period in which Congress has formally
2 declared war, authorize”;

3 (2) in section 302(a) by striking “the President
4 may make” and inserting “the President may, dur-
5 ing a period in which Congress has formally declared
6 war, make”; and

7 (3) in section 303—

8 (A) in subsection (a)(1) by striking “the
9 President may make” and inserting “the Presi-
10 dent may, during a period in which Congress
11 has formally declared war, make”;

12 (B) in subsection (c)(2) by striking “the
13 President may make” and inserting “the Presi-
14 dent may, during a period in which Congress
15 has formally declared war, make”;

16 (C) in subsection (e)(1) by inserting “,
17 during a period in which Congress has formally
18 declared war” after “the President is author-
19 ized”; and

20 (D) in subsection (g) by striking “the
21 President may make” and inserting “the Presi-
22 dent may, during a period in which Congress
23 has formally declared war, make”.

1 (c) GENERAL PROVISIONS.—Title VII of the Defense
2 Production Act of 1950 (50 U.S.C. 4531 et seq.) is
3 amended—

4 (1) in section 703 by inserting “, during a pe-
5 riod in which Congress has formally declared war”
6 after “Any officer or agency head may”;

7 (2) in section 708(c)(1) by striking “the Presi-
8 dent may consult” and inserting “the President
9 may, during a period in which Congress has formally
10 declared war, consult”; and

11 (3) in section 710—

12 (A) in subsection (b)(1) by inserting “dur-
13 ing a period in which Congress has formally de-
14 clared war,” after “authorized,”;

15 (B) in subsection (c) by inserting “during
16 a period in which Congress has formally de-
17 clared war,” after “authorized,”;

18 (C) in subsection (d) by striking “The
19 President may utilize” and inserting “The
20 President may, during a period in which Con-
21 gress has formally declared war, utilize”; and

22 (D) in subsection (e) by striking “author-
23 ized” and inserting “authorized, during a pe-
24 riod in which Congress has formally declared
25 war,”.

1 (d) TECHNICAL AMENDMENTS.—

2 (1) Section 101(c)(1) of the Defense Production
3 Act of 1950 (50 U.S.C. 4511(c)(1)) is amended by
4 striking “paragraph (3)” and inserting “paragraph
5 (2)”.

6 (2) Section 710 of the Defense Production Act
7 of 1950 (50 U.S.C. 4560) is amended—

8 (A) by redesignating subsections (b)
9 through (g) as subsections (a) through (f), re-
10 spectively;

11 (B) in subsection (a), as so redesignated,
12 by striking “subsection (b)” and inserting “sub-
13 section” each place it appears; and

14 (C) in subsection (b), as so redesignated,
15 by striking “section 55a” and inserting “section
16 3109”.

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