

117TH CONGRESS
2D SESSION

S. 4682

To provide for disapproval by Congress of the invocation of authorities under the Defense Production Act of 1950.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

Mr. MARSHALL (for himself, Mr. BARRASSO, and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To provide for disapproval by Congress of the invocation of authorities under the Defense Production Act of 1950.

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 “Defense Production
5 Oversight Act of 2022”.

1 **SEC. 2. CONGRESSIONAL DISAPPROVAL OF INVOCATION OF**
 2 **DEFENSE PRODUCTION ACT OF 1950 AU-**
 3 **THORITIES.**

4 Title VII of the Defense Production Act of 1950 (50
 5 U.S.C. 4551 et seq.) is amended by adding at the end
 6 the following:

7 **“SEC. 724. CONGRESSIONAL DISAPPROVAL OF INVOCATION**
 8 **OF TITLE I AND III AUTHORITIES.**

9 “(a) IN GENERAL.—An invocation by the President
 10 of authorities under title I or III shall have no force or
 11 effect on or after the date of the enactment of a joint reso-
 12 lution of disapproval.

13 “(b) JOINT RESOLUTION OF DISAPPROVAL DE-
 14 FINED.—In this section, the term ‘joint resolution of dis-
 15 approval’ means a joint resolution the sole matter after
 16 the resolving clause of which is as follows: ‘That Congress
 17 disapproves of the invocation by the President of authori-
 18 ties under the Defense Production Act of 1950 (50 U.S.C.
 19 4501 et seq.) relating to _____.’, with the blank space
 20 being filled with a brief description of the matter with re-
 21 spect to which the President invoked such authorities.

22 “(c) REFERRAL.—A joint resolution of disapproval
 23 shall be referred to the committees in each House of Con-
 24 gress with jurisdiction.

25 “(d) CONSIDERATION IN SENATE.—

1 “(1) COMMITTEE DISCHARGE.—In the Senate,
2 if the committee to which is referred a joint resolu-
3 tion of disapproval has not reported such joint reso-
4 lution (or an identical joint resolution) at the end of
5 20 calendar days after the date on which the Presi-
6 dent invokes the authorities that are the subject of
7 the joint resolution of disapproval, such committee
8 may be discharged from further consideration of
9 such joint resolution upon a petition supported in
10 writing by 30 Members of the Senate, and such joint
11 resolution shall be placed on the calendar.

12 “(2) FLOOR CONSIDERATION.—

13 “(A) PROCEEDING TO CONSIDERATION.—

14 In the Senate, when the committee to which a
15 joint resolution of disapproval is referred has
16 reported, or when a committee is discharged
17 (under paragraph (1)) from further consider-
18 ation of, a joint resolution of disapproval, it is
19 at any time thereafter in order (even though a
20 previous motion to the same effect has been dis-
21 agreed to) for a motion to proceed to the con-
22 sideration of the joint resolution, and all points
23 of order against the joint resolution (and
24 against consideration of the joint resolution)
25 are waived. The motion is not subject to

1 amendment, or to a motion to postpone, or to
2 a motion to proceed to the consideration of
3 other business. A motion to reconsider the vote
4 by which the motion is agreed to or disagreed
5 to shall not be in order. If a motion to proceed
6 to the consideration of the joint resolution is
7 agreed to, the joint resolution shall remain the
8 unfinished business of the Senate until disposed
9 of.

10 “(B) DEBATE.—In the Senate, debate on
11 a joint resolution of disapproval, and on all de-
12 batable motions and appeals in connection
13 therewith, shall be limited to not more than 10
14 hours, which shall be divided equally between
15 those favoring and those opposing the joint res-
16 olution. A motion further to limit debate is in
17 order and not debatable. An amendment to, or
18 a motion to postpone, or a motion to proceed to
19 the consideration of other business, or a motion
20 to recommit the joint resolution is not in order.

21 “(C) VOTE ON FINAL PASSAGE.—In the
22 Senate, immediately following the conclusion of
23 the debate on a joint resolution of disapproval,
24 and a single quorum call at the conclusion of
25 the debate if requested in accordance with the

1 rules of the Senate, the vote on final passage of
2 the joint resolution shall occur.

3 “(D) APPEALS FROM DECISIONS OF THE
4 CHAIR.—Appeals from the decisions of the
5 Chair relating to the application of the rules of
6 the Senate to the procedure relating to a joint
7 resolution of disapproval shall be decided with-
8 out debate.

9 “(3) TIME FOR CONSIDERATION.—In the Sen-
10 ate, the procedures specified in this subsection shall
11 not apply to the consideration of a joint resolution
12 of disapproval after the expiration of the period of
13 60 session days beginning on the date on which the
14 President invokes the authorities that are the sub-
15 ject of the joint resolution.

16 “(e) CONSIDERATION OF RESOLUTION OF OTHER
17 HOUSE.—If, before the passage by one House of a joint
18 resolution of disapproval of that House, that House re-
19 ceives from the other House a joint resolution of dis-
20 approval, then the following procedures shall apply:

21 “(1) The joint resolution of the other House
22 shall not be referred to a committee.

23 “(2) With respect to a joint resolution of the
24 House receiving the joint resolution—

1 “(A) the procedure in that House shall be
2 the same as if no joint resolution had been re-
3 ceived from the other House; but

4 “(B) the vote on final passage shall be on
5 the joint resolution of the other House.

6 “(f) RULES OF SENATE AND HOUSE OF REPRESENT-
7 ATIVES.—This section is enacted by Congress—

8 “(1) as an exercise of the rulemaking power of
9 the Senate and House of Representatives, respec-
10 tively, and as such it is deemed a part of the rules
11 of each House, respectively, but applicable only with
12 respect to the procedure to be followed in that
13 House in the case of a joint resolution of dis-
14 approval, and it supersedes other rules only to the
15 extent that it is inconsistent with such rules; and

16 “(2) with full recognition of the constitutional
17 right of either House to change the rules (so far as
18 relating to the procedure of that House) at any time,
19 in the same manner, and to the same extent as in
20 the case of any other rule of that House.”.

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