

Stephen P. Artusi, Vice President and General Counsel, World Omni Financial Corp., Deerfield Beach, Florida;  
 Alan Ray Hunn, General Counsel, Nissan Motor Acceptance Corporation, Franklin, Tennessee (Headquarters), Irving, Texas (Operations);  
 Doug Johnson, Executive Vice President, Chief Legal Officer, GM Financial, Fort Worth, Texas;  
 Katherine M. Kjolhede, Executive Vice President & General Counsel, Ford Motor Credit Company LLC, Dearborn, Michigan;  
 Kevin McDonald, Chief Compliance Officer, General Counsel & Secretary, VW Credit, Inc., Herndon, Virginia;  
 Catherine M. McEvilly, Compliance Officer, American Honda Finance Corporation, Torrance, California;  
 Carol J. Moore, Vice President and Executive General Counsel, Hyundai Capital America, Irvine, California;  
 RJ Seaward, Vice President, General Counsel, Harley-Davidson Financial Services, Chicago, Illinois;  
 Michelle Spreitzer, General Counsel, Mercedes-Benz Financial Services, Farmington Hills, Michigan.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and pass the bill, H.R. 5062, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Consumer Financial Protection Act of 2010 to specify that privilege and confidentiality are maintained when information is shared by certain nondepository covered persons with Federal and State financial regulators, and for other purposes."

A motion to reconsider was laid on the table.

## REAUTHORIZATION OF THE DEFENSE PRODUCTION ACT

Mr. CAMPBELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4809) to reauthorize the Defense Production Act, to improve the Defense Production Act Committee, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4809

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. REAUTHORIZATION.

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

(1) by striking "2014" and inserting "2019"; and

(2) by striking "on or after the date of enactment of the Defense Production Act Reauthorization of 2009".

### SEC. 2. DEFENSE PRODUCTION ACT COMMITTEE IMPROVEMENTS.

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

(1) in subsection (a)—

(A) by striking "advise the President" and inserting "coordinate and plan for"; and

(B) by striking "the authority" and inserting "the priorities and allocations authorities";

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

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

(3) by amending subsection (c) to read as follows:

"(c) COORDINATION OF COMMITTEE ACTIVITIES.—The Chairperson shall appoint one person to coordinate all of the activities of the Committee, and such person shall—

"(1) be a full-time employee of the Federal Government;

"(2) report to the Chairperson; and

"(3) carry out such activities relating to the Committee as the Chairperson may determine appropriate.";

(4) in subsection (d)—

(A) by striking "Not later than" and all that follows through "Committee shall submit" and inserting the following: "The Committee shall issue a report each year by March 31";

(B) by striking "each member of the Committee" and inserting "the Chairperson";

(C) in paragraph (1)—

(i) by striking "a review of the authority under this Act of" and inserting "a description of the contingency planning by"; and

(ii) by inserting before the semicolon the following: "for events that might require the use of the priorities and allocations authorities";

(D) in paragraph (2), by striking "authority described in paragraph (1)" and inserting "priorities and allocations authorities in this Act";

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

"(3) recommendations for legislation actions, as appropriate, to support the effective use of the priorities and allocations authorities in this Act";

(F) in paragraph (4), by striking "all aspects of" and all that follows through the end of the paragraph and inserting "the use of the priorities and allocations authorities in this Act"; and

(G) by adding at the end the following:

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

"(6) short attestations signed by each member of the Committee stating their concurrence in the report.".

### SEC. 3. UPDATED RULEMAKING.

Section 101(d)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2071(d)(1)) is amended by striking "not later than" and all that follows through "rules" and inserting the following: "issue, and annually review and update whenever appropriate, final rules".

### SEC. 4. PRESIDENTIAL DETERMINATION.

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

(1) in paragraph (5)—

(A) by striking "determines" and inserting the following: "on a non-delegable basis, determines, with appropriate explanatory material and in writing";

(B) in subparagraph (A), by striking "and" at the end;

(C) in subparagraph (B), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(C) purchases, purchase commitments, or other action pursuant to this section are the most cost effective, expedient, and practical alternative method for meeting the need.";

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

"(C) LIMITATION.—If the taking of any action or actions under this section to correct an industrial resource shortfall would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed \$50,000,000, no such action or actions may be taken, unless such action or actions are authorized to exceed such amount by an Act of Congress.".

(b) EXCEPTION.—Section 303(a)(6)(C) of the Defense Production Act of 1950, as added by subsection (a)(2), shall not apply to a project undertaken pursuant to a determination made before the date of the enactment of this Act.

### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

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

(1) by striking "are hereby authorized to be appropriated such sums as may be necessary and appropriate" and inserting "is authorized to be appropriated \$133,000,000 for fiscal year 2015 and each fiscal year thereafter"; and

(2) by striking the second and third sentences.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CAMPBELL) and the gentleman from Colorado (Mr. PERLMUTTER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and submit extraneous material on H.R. 4809, as amended, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, I yield myself such time as I may consume.

This bill today, H.R. 4809, is a bill to reauthorize the Defense Production Act. Simply put, the Defense Production Act is a bill that is intended to minimize distortions to the economy when it is necessary for the government to take action to aid speedy recovery from large natural or man-made disasters or to protect our servicemen and -women during combat situations. The underlying legislation was used in the recoveries from Hurricanes Katrina and Sandy and used to get new body armor in a hurry for troops in Iraq and Afghanistan when supplies ran dangerously low.

Shortly after the outbreak of the Korean war was when Congress first enacted the Defense Production Act, DPA, granting the President broad powers to access prompt, adequate, and uninterrupted supplies of industrial resources to satisfy national security needs. During that war, the DPA was used to establish a robust national defense infrastructure which later provided the U.S. strength in the ensuing cold war.

Since then, the DPA has been used only sparingly. In recent years, Congress expanded the Executive's use of the DPA to include the protection of critical infrastructure and needs arising from civil emergencies, such as

hurricanes, in addition to its defense purposes. When it was enacted, the DPA consisted of seven titles, including some controversial wage and price controls. As the Korean war wound down, four of those titles were allowed to expire. The remainder of the law, the remaining three titles, have operated effectively and without much controversy since.

There are three remaining titles. First, title I, which grants the President authority to meet urgent defense or disaster recovery requirements. This authority essentially allows the government to move to the head of a company's production and delivery schedule and indemnifies that company against breach of contract lawsuits by nongovernment entities.

Title III authorizes the President to use loans, purchase commitments, and grants to encourage contractors to establish or expand industrial capacity and produce items that are essential to the national defense that must be domestically produced but are otherwise not economically attractive enough to have a domestic producer. These programs are usually small, typically less than \$15 million, and in the history of the DPA, going back to the Korean war, only three have exceeded \$50 million, each of which was specifically authorized by Congress.

Title VII authorizes the President to provide antitrust exemptions for voluntary agreements and joint activities among private entities intended to address production and distribution problems that might impair defense preparedness.

While the first two titles and the rest of title VII expire at the end of September, title VII also contains the authorization of the Committee on Foreign Investment in the United States, which scrutinizes the foreign direct investments process, to ensure that they do not threaten national security. That authority does not sunset. It did not before, and it does not in this reauthorization.

Mr. Speaker, the bill before us reauthorizes the DPA for 5 years and reinstates some modest reforms, the reforms that were in place prior, adds back the guidelines for the use of title III that clarified that title III must be the most cost-effective solution to the defense industrial base shortfall, and it has a requirement for a separate congressional authorization for projects greater than \$50 million. As I just described, all previous projects greater than \$50 million since the Korean war have all received congressional reauthorization, so this really is not changing what has been existing practice.

The reforms also stipulate that the use of title III may only be approved by the President and makes some changes to improve the effectiveness of an interagency coordinating committee on the uses of the DPA.

Mr. Speaker, this bill preserves the vital and important authorities of the DPA while preventing any abuse or

perception of misuse. It passed the Financial Services Committee in June by voice vote. I would urge immediate passage of this bill and its common-sense reforms.

I reserve the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from California for working on this bill and getting it reintroduced and, hopefully, today getting it passed. I thank him, too, for working with a number of us on certain provisions.

When the Defense Production Act was initially enacted in 1950 in the aftermath of World War II and in the midst of the Korean war, it contained seven separate titles that granted broad authority to the President to control national economic policy. Following the Korean war, three of the Defense Production Act titles remain in effect and two of the act's titles need to be reauthorized.

First, there is title I of the DPA, which authorizes the priority treatment of contracts and orders to meet urgent defense or readiness requirements. It does so by allowing the government to move to the head of a company's line of production and delivery schedule while indemnifying the company against breach of contract lawsuits by nongovernment entities.

Title III is the other key provision of the law that Congress needs to reauthorize. This title empowers the President to support the private sector through the use of financial incentives, including loans, guarantees, purchase commitments, and grants to ensure that the U.S. domestic industrial base has the production capabilities that the President has determined are essential to our national security.

Congress has reauthorized the DPA on a bipartisan basis approximately 50 times since its first enactment in 1950. It has been used by all administrations since President Truman during both peace and times of conflict to support the national security programs of the United States of America.

The measure includes several reforms. First, the measure would restructure and refocus the Defense Production Act Committee, an interagency advisory body on the priorities and allocation authorities contained in title I. Agency heads are also required to issue and review rules that would establish the standards and procedures by which title I authorities can be used.

In closing on this subject, let's be very clear. The Defense Production Act is a law of great national significance. It has been reauthorized many times. It provides powerful authorities for purposes of our national defense and security. I urge the adoption of the Defense Production Act as we have modified it.

I would state, Mr. Speaker, we have other bills very similar to this that need to be acted on by the Republican

majority, starting with the Export-Import Bank, which itself has been reauthorized numerous times by both parties, whoever was in the majority. Yet the Export-Import Bank is sitting there holding fire when it is a benefit—a strong benefit—to this country and to the businesses of this country so that we can be on even footing with all of the other countries competing for business around the world.

Secondly, the TRIA, which is the Terrorist Risk Insurance Act, it too is sitting there without any action having been taken by the Republican majority of this Congress. It too has been reauthorized on several occasions, and it benefits this country in many ways and needs to be acted upon. But instead, the Republican majority has chosen to bring a lawsuit against the President of the United States, which has absolutely no merit, and has given their lawyers in the proposed legislation a blank check to sue the President when we have important legislation, whether it is the Export-Import Bank, terrorist risk insurance, looking at immigration issues, comprehensive immigration reform, transportation, we have many, many items that need to be addressed. But instead, we are going to take up litigation that is unheard of in the history of the United States against the President of the United States because he has taken actions when this Congress has sat silent.

This bill, the Defense Production Act, I thank my friend from California for bringing it. It needs to be passed. I urge its passage. So many other things need to be passed and not just ignored in the face of doing something so political as suing the President of the United States.

I urge my friend from California, I urge the Speaker to dispose of what we are supposed to take up tomorrow or Thursday in this lawsuit against the President of the United States for taking steps that we here in Congress apparently are refusing, and I would say to the Republican majority, you are refusing to bring up and have heard and voted on—transportation issues should be a bipartisan matter; immigration should be bipartisan; the Export-Import Bank which benefits our companies and our businesses and has been authorized since the 1930s, makes money for the country, that should be brought up. We should be bringing up the Terrorist Risk Insurance Act so that companies across the country know in the terrible event of another attack like we had on 9/11 that there is a backstop for them and their properties and their people. But, no, we are taking up litigation, not legislation.

□ 1430

That is just wrong, Mr. Speaker. I can't object to it in any greater terms. It just makes no sense. It does not advance the ball for America. It doesn't advance the ball for middle America. People are looking for jobs and want to see that their kids go to college and

want to have retirement security. It is just a political statement when we could be doing a lot more.

This Congress can do so much more. Passage of this Defense Production Act is doing something, and I thank my friend for that. I urge its passage, and I yield back the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I yield myself the balance of my time.

First of all, let me thank the gentleman from Colorado and my friends on the other side of the aisle for their work on and support of this Defense Production Act, for which I will call the vote in just a moment.

But as to comments that my friend from Colorado made, first of all, I think he knows I agree with him on Export-Import Bank and on terrorism risk insurance, so you are not going to have any debate from me there.

Clearly later this week, the action to sue the President will come on the floor. There will be plenty of time to debate on that.

Just one comment I would like to make. You mentioned bipartisanship, and I agree with you, there is not enough around here and there needs to be. In the end, you can never move the country forward sustainably without getting something that has support on both sides. So I agree on that.

But when I first got here almost 10 years ago, George W. Bush was President, and I saw a number of your colleagues, the Democrats, had a button that said "article I." I am like, what is that? They said: Well, this is to show that we, Congress, are article I in the Constitution, the executive branch is article II, and we believe that President George W. Bush is treading upon the rights enumerated in the Constitution that rightly belong to the first branch of government, Congress.

Now, we, Republicans, believe that the current President, President Obama, is doing the same thing.

Here is a place where I think maybe we can have some bipartisanship at some point. When George W. Bush was President you thought he went too far. Many of us probably did too, but didn't say so because of sort of party loyalty. Now we believe this President is going too far. I would wager to guess that some of your side believe that too but aren't saying so because of party loyalty.

At some point, Republicans and Democrats in this institution, in this body, need to protect its constitutional responsibilities.

Mr. PERLMUTTER. Will the gentleman yield?

Mr. CAMPBELL. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from California has 11½ minutes remaining.

Mr. CAMPBELL. I am happy to yield to the gentleman from Colorado.

Mr. PERLMUTTER. Mr. Speaker, I thank my friend.

The gentleman from California is absolutely right that to have sustainable

movement of this country forward, it does take both sides of the aisle—Republican side of the aisle and Democratic side of the aisle.

I would suggest to my friend that Democrats did not have control of the House, did not bring legislation, or litigation, if you will, against President Bush. And I would suggest to my friend, take a look at the number of executive orders that Ronald Reagan issued, that Bill Clinton issued, that George H. W. Bush, and George W. Bush issued, compared to President Obama.

I appreciate your willingness to let me speak and just get that in.

Again, I urge the passage of the Defense Production Act.

Mr. CAMPBELL. I thank the gentleman from Colorado.

I understand the point. Some individual Members, I believe, did introduce—the House didn't per se—but did introduce some charges, if you will, against President Bush.

The point I am simply trying to make is, each side of the aisle has felt that the rights under the Constitution of this institution have been trodden upon by a President of the other side of the aisle. What the right response to that is and what the right remedy to that is we can debate. I am retiring at the end of this year, so I am leaving all of this for you all. But as we grow the executive branch, as we add more departments, and we add more things, we continue to concentrate power there and take it away from here.

This place, for all its faults and foibles, and it has plenty of them, it is accountable to the people. It is accountable to the people in a way that the executive branch can't ever be. That is why we on a bipartisan basis, if it is not with this President then with the next one, we need to start clawing some of those rights and responsibilities back to article I of the Constitution.

With that, Mr. Speaker, I thank again the cooperation and involvement of my friends on the other side of the aisle for the Defense Production Act, and I would ask for its passage.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CAMPBELL) that the House suspend the rules and pass the bill, H.R. 4809, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MASSIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### ENSURING PATIENT ACCESS AND EFFECTIVE DRUG ENFORCEMENT ACT OF 2014

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4709) to improve enforcement efforts related to prescription drug diversion and abuse, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4709

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Ensuring Patient Access and Effective Drug Enforcement Act of 2014".

#### SEC. 2. REGISTRATION PROCESS UNDER CONTROLLED SUBSTANCES ACT.

##### (a) DEFINITIONS.—

(1) FACTORS AS MAY BE RELEVANT TO AND CONSISTENT WITH THE PUBLIC HEALTH AND SAFETY.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

"(i) In this section, the phrase 'factors as may be relevant to and consistent with the public health and safety' means factors that are relevant to and consistent with the findings contained in section 101."

(2) IMMINENT DANGER TO THE PUBLIC HEALTH OR SAFETY.—Section 304(d) of the Controlled Substances Act (21 U.S.C. 824(d)) is amended—

(A) by striking "(d) The Attorney General" and inserting "(d)(1) The Attorney General"; and

(B) by adding at the end the following:

"(2) In this subsection, the phrase 'imminent danger to the public health or safety' means that, in the absence of an immediate suspension order, controlled substances—

"(A) will continue to be intentionally distributed or dispensed—

"(i) outside the usual course of professional practice; or

"(ii) in a manner that poses a present or foreseeable risk of serious adverse health consequences or death; or

"(B) will continue to be intentionally diverted outside of legitimate distribution channels."

(b) OPPORTUNITY TO SUBMIT CORRECTIVE ACTION PLAN PRIOR TO REVOCATION OR SUSPENSION.—Subsection (c) of section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) by striking the last two sentences in such subsection;

(2) by striking "(c) Before" and inserting "(c)(1) Before"; and

(3) by adding at the end the following:

"(2) An order to show cause under paragraph (1) shall—

"(A) contain a statement of the basis for the denial, revocation, or suspension, including specific citations to any laws or regulations alleged to be violated by the applicant or registrant;

"(B) direct the applicant or registrant to appear before the Attorney General at a time and place stated in the order, but no less than thirty days after the date of receipt of the order; and

"(C) notify the applicant or registrant of the opportunity to submit a corrective action plan on or before the date of appearance.

"(3) Upon review of any corrective action plan submitted by an applicant or registrant pursuant to paragraph (2), the Attorney General shall determine whether denial, revocation or suspension proceedings should be discontinued, or deferred for the purposes of modification, amendment, or clarification to such plan.

"(4) Proceedings to deny, revoke, or suspend shall be conducted pursuant to this section in accordance with subchapter II of