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## Defense Primer: U.S. Defense Industrial Base

The Department of Defense (DOD) relies on a wide-ranging and complex industrial base for products and services required to support DOD's stated mission "to provide the military forces needed to deter war and to protect the security of our country." This *defense industrial base* comprises public-sector (government-owned, government-operated) facilities and private-sector (commercial) companies.

The commercial companies that contract with DOD are diverse, ranging in size from small businesses to some of the world's largest corporate enterprises. These commercial companies provide a wide variety of products to DOD, encompassing everything from complex military-unique platforms such as aircraft carriers to common commercial items such as laptop computers, clothing, and food. They also provide a wide variety of services, including everything from routine services (e.g., information technology (IT) support) to highly specialized services (e.g., launching space vehicles). Domestically owned firms and foreign-owned firms that engage in direct investment, hire U.S. workers, and are governed by U.S. laws are part of the nation's defense industrial base.

### DOD's Role

Chapter 148 of Title 10, United States Code (U.S.C.), addresses policies and planning related to the "national technology and industrial base" (NTIB), which it defines as "persons and organizations that are engaged in research, development, production, integration, services, or information technology activities conducted within the United States, the United Kingdom of Great Britain and Northern Ireland, Australia, and Canada."

The Secretary of Defense is required (10 U.S.C. §2501) to develop a national security strategy for the NTIB and directs the strategy to be "based on a prioritized assessment of risks and challenges to the defense supply chain."

Specific responsibility for "establishing policies for access to, and maintenance of, the defense industrial base and materials critical to national security, and policies on contract administration" is assigned to the Under Secretary of Defense for Acquisition and Sustainment (USD/A&S) by 10 U.S.C. §133b. The Deputy Assistant Secretary of Defense for Industrial Policy (DASD/IP) serves as the principal advisor to the Under Secretary on matters related to the defense industrial base, to include establishing policies for the maintenance of the U.S. defense industrial base and monitoring and assessing the impact of foreign investments in the United States.

### Annual NTIB Assessments

The Secretary of Defense is required by 10 U.S.C. §2505 to conduct annual assessments of the NTIB's capability to attain national security objectives and requires a yearly

report to Congress on such assessments (10 U.S.C. §2504). The assessment includes a description of sectors and capabilities of the NTIB and their underlying infrastructure and processes. In practice, the DASD/IP has performed the assessment. In conducting the assessment, the Secretary is required to consider factors such as:

- present and projected financial performance of industries;
- whether DOD acquisition program requirements can be met with current and projected NTIB capacities;
- the degree to which DOD acquisition program requirements can be met with current and projected capacities of—
  - *industries supporting* the sectors or capabilities in the assessment, and the extent to which they are comprised of only one potential source; and
  - *industries not currently supporting* DOD programs, and the barriers to participation of those industries; and
- technological and industrial capabilities and processes that may be unable to support the achievement of national security objectives.

### Selected Industrial Base Authorities

The following discussion surveys selected industrial base authorities that are fundamental to DOD stewardship of the NTIB.

#### Industrial Base Fund

10 U.S.C. §2508 directs the Secretary of Defense to establish an *Industrial Base Fund* (IBF). The IBF is subject to annual appropriations and was established to:

- support the monitoring and assessment of the industrial base;
- address critical issues in the industrial base relating to urgent operational needs;
- support efforts to expand the industrial base; and
- address supply chain vulnerabilities.

#### Defense Production Act (DPA) of 1950

The DPA of 1950, as last reauthorized in 2018, provides the President with a number of authorities that he or she may utilize to influence domestic industry in the interest of national defense. The authorities most relevant to NTIB are:

- **Title I: Priorities and Allocations**, which allows the President to require persons (including businesses and corporations) to prioritize and accept contracts for materials and services as necessary to promote the national defense.

- **Title III: Expansion of Productive Capacity and Supply**, which allows the President to incentivize the domestic industrial base to expand the production and supply of critical materials and goods. Authorized incentives include direct purchases and purchase commitments. The President may also procure and install equipment in private industrial facilities.
- **Title VII: General Provisions**, which defines salient terms and provides several distinct authorities, including the authority to establish voluntary agreements with private industry and the authority to block proposed or pending foreign corporate mergers, acquisitions, or takeovers that threaten national security, through the Committee on Foreign Investment in the United States (CFIUS).

### Manufacturing Technology (MANTEC) Program

Established in 1956 by 10 U.S.C. §2521, MANTEC is intended to further the national security objectives of 10 U.S.C. §2501. The purpose of the program is to (1) reduce equipment acquisition and supportability costs and manufacturing and repair timelines by providing centralized guidance and direction to the military departments and the defense agencies, and (2) focus DOD support for the development and application of advanced manufacturing technologies that are essential to national defense. Established by 10 U.S.C. §2521, the Joint Defense Manufacturing Technology Panel is responsible for tasks such as:

- conducting comprehensive reviews and assessments of defense-related manufacturing issues being addressed by DOD's manufacturing technology programs and related activities; and
- executing strategic planning to identify opportunities for increased cooperation in the development and implementation of technological products and the leveraging of funding for such purposes with the private sector and other government agencies.

### Domestic Sourcing Mandates

With the aim of protecting American manufacturing and manufacturing jobs associated with the defense industrial base, Congress has passed several domestic sourcing laws, including:

- The *Buy American Act* of 1933, which generally requires federal agencies – including DOD – to purchase “domestic end products” and use “domestic construction materials” on contracts exceeding the micro-purchase threshold (typically \$3,500) performed in the United States.
- The *Berry Amendment* (10 U.S.C. §2533a), which requires textiles, clothing, food, and hand or measuring tools purchased by the DOD to be grown, reprocessed, reused, or produced wholly in the United States.
- The *Specialty Metals Clause* (10 U.S.C. §2533b), which requires that any *specialty metals*, defined as certain metal alloys, contained in any aircraft, missile and space system, ship, tank and automotive item, weapon system, ammunition, or any components thereof, purchased by DOD be melted or produced in the United States.

### 2018 Defense Industrial Base Report

In July 2017, President Donald J. Trump issued Executive Order 13806, which required a whole-of-government assessment of the United States' manufacturing capacity, defense industrial base, and supply chain resiliency. The assessment, published in October 2018, identified a number of external and internal challenges driving risk within the NTIB, including:

“...uncertainty of government spending; the decline of critical markets and suppliers; unintended consequences of U.S. government acquisition behavior; aggressive industrial policies of competitor nations; and the loss of vital skills in the domestic workforce.”

The report found that these challenges have “led to impacts primarily in [NTIB] sub-tiers,” and further identified a “surprising level of foreign dependence on competitor nations.” In response, the report made a series of recommendations, including expanding “direct investment in the lower tier of the [NTIB],” through DPA Title III authorities, MANTEC, and DOD's Industrial Base Analysis and Sustainment program.

#### Relevant Statutes

Title 10, U.S. Code, Chapters 148 and 149

#### CRS Products

CRS Report R43767, *The Defense Production Act of 1950: History, Authorities, and Considerations for Congress*, by Jared T. Brown and Moshe Schwartz

CRS Report R43354, *Domestic Content Restrictions: The Buy American Act and Complementary Provisions of Federal Law*, by David H. Carpenter and Erika K. Lunder

CRS Report R44850, *Buying American: Protecting U.S. Manufacturing Through the Berry and Kissell Amendments*, by Michaela D. Platzer.

CRS Report RL33388, *The Committee on Foreign Investment in the United States (CFIUS)*, by James K. Jackson

#### Other Resources

DOD Industrial Base Policy Office,  
<https://www.businessdefense.gov/>.

*Assessing and Strengthening the Manufacturing and Defense Industrial Base and Supply Chain Resiliency of the United States*, <http://defense.gov/StrengtheningDefenseIndustrialBase>

Please note: for questions on the Defense Production Act, congressional clients may contact Jared Brown. For questions on domestic sourcing mandates, congressional clients may contact Michaela Platzer.

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