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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 the products and services that enable the Department's warfighting capabilities. Definitions of what this industrial base encompasses vary in scope and emphasis.

Some analysts and experts distinguish between a domestic *defense industrial base* (DIB) and a global DIB. The domestic DIB includes public-sector (government-owned, government-operated) facilities, academic institutions, and private-sector (commercial) companies located in the United States. Congress has taken some interest and action to support and sustain the domestic DIB. The global DIB includes foreign-owned companies and commodities sourced from countries with which the United States maintains formal defense cooperation partnerships, as well as foreign-owned companies and commodities sourced from countries without formal defense cooperation relationships with the United States. Together, the domestic DIB and portions of the global DIB form the National Technology and Industrial Base (NTIB), as established by 10 U.S.C. §2500. The DIB entities that work with the DOD as prime contractors and subcontractors are diverse, ranging in size from small- and medium-sized businesses to some of the world's largest corporations. Together, these entities provide a wide range of products and services to the DOD, encompassing everything from complex platforms unique to the military (e.g., aircraft carriers) and highly specialized services (such as launching military satellites), to all kinds of commercial products (e.g., laptop computers and semiconductors) and routine services (e.g., information technology (IT) support).

DOD's Role

Chapter 148 of Title 10, United States Code (U.S.C.), addresses policies and planning related to the 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. The strategy must 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 [domestic DIB] 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) has served as the principal advisor to the Under Secretary on matters related to the DIB, to include establishing policies for the maintenance of the domestic DIB. The FY2021 National Defense Authorization Act

elevated the DASD/IP position to the Assistant Secretary of Defense level (§903; H.R. 6395).

Annual NTIB Assessments

The Secretary of Defense is required (10 U.S.C. §2505) to conduct annual assessments of the NTIB's capability to attain national security objectives and must report to Congress yearly on these 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. Also 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.

Selected Domestic Sourcing Mandates

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 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 domestic DIB, 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 [DIB] 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 [DIB],” through DPA Title III authorities, MANTEC, and DOD’s Industrial Base Analysis and Sustainment program, which provides funds to address critical issues in the industrial base relating to urgent operational needs, to support efforts to expand the industrial base, and to address supply chain vulnerabilities.

Relevant Statutes

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

CRS Products

CRS In Focus IF11311, *Defense Primer: The National Technology and Industrial Base*

CRS Report R43767, *The Defense Production Act of 1950: History, Authorities, and Considerations for Congress*

CRS Report R43354, *Domestic Content Restrictions: The Buy American Act and Complementary Provisions of Federal Law*

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

CRS In Focus IF10952, *CFIUS Reform: Foreign Investment National Security Reviews*

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>

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