

119TH CONGRESS
1ST SESSION

H. R. 4216

AN ACT

To direct the Secretary of State, in coordination with the Secretary of Defense, to carry out a review of the list of defense articles and services required to be transferred under the foreign military sales program as opposed to direct commercial sale (FMS-Only List).

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Made-in-America De-
3 fense Act”.

4 **SEC. 2. SENSE OF CONGRESS.**

5 Congress—

6 (1) believes the expeditious delivery of defense
7 articles and services to allies and partners strength-
8 ens American national security;

9 (2) notes that the Department of Defense con-
10 tracting process often adds significant amounts of
11 time to the delivery of defense articles and services
12 to allies and partners, and in some cases these arti-
13 cles and services could be appropriately transferred
14 more quickly using direct commercial sales; and

15 (3) supports the ongoing and periodic review of
16 the FMS-Only List to ensure that defense articles
17 and services that can be appropriately transferred
18 using direct commercial sales are not included on
19 the FMS-Only list.

20 **SEC. 3. REVIEW AND REPORT.**

21 (a) REVIEW.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of the enactment of this Act, and annually
24 thereafter, the Secretary of State, in coordination
25 with the Secretary of Defense, shall carry out a re-
26 view of defense articles and defense services that are

1 eligible to be provided under the foreign military
2 sales program under chapter 2 of the Arms Export
3 Control Act, but not eligible to be provided under di-
4 rect commercial sales under section 38 of such Act,
5 in order to identify those articles and services that
6 should also be eligible to be provided under direct
7 commercial sales.

8 (2) MATTERS TO BE ADDRESSED.—The review
9 required by this subsection shall address the fol-
10 lowing with respect to each defense article and de-
11 fense services identified under this subsection:

12 (A) The average length of time to complete
13 a transfer of the article or service under the
14 foreign military sales program compared to
15 such a transfer under a direct commercial sale,
16 measured from the initial submission of the let-
17 ter of request to the delivery of the article or
18 service.

19 (B) The impact on the workload for the
20 Department of State and Department of De-
21 fense by reason of a transfer of the article or
22 service under a direct commercial sale.

23 (C) The benefits to United States national
24 security and United States competitiveness by

1 reason of a transfer of the article or service
2 under a direct commercial sale.

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than 30 days after
5 the completion of each review required by subsection
6 (a), the Secretary of State, in coordination of the
7 Secretary of Defense, shall submit to the appro-
8 priate congressional committees a report that con-
9 tains the results of the review, including—

10 (A) the average time to transfer the re-
11 viewed defense articles or services during the
12 previous reporting period through the foreign
13 military sales program and through direct com-
14 mercial sales and how those averages compare
15 to the averages reported in the previous report-
16 ing period;

17 (B) the leading causes of delays;

18 (C) any steps taken to reduce those delays;

19 and

20 (D) any defense articles and services added
21 to or removed from the FMS-Only list during
22 the preceding reporting period, as well as the
23 justification for such decisions.

1 (2) FORM.—The report required by this sub-
2 section shall be submitted in unclassified form, but
3 may contain a classified annex.

4 (3) DEFINITIONS.—In this subsection—

5 (A) the term “appropriate congressional
6 committees” means—

7 (i) the Committee on Foreign Affairs
8 and the Committee on Armed Services of
9 the House of Representatives; and

10 (ii) the Committee on Foreign Rela-
11 tions and the Committee on Armed Serv-
12 ices of the Senate; and

13 (B) the term “FMS-only list” means the
14 list maintained by the Secretary of State of de-
15 fense articles and defense services that are eligi-
16 ble to be provided under the foreign military
17 sales program under chapter 2 of the Arms Ex-
18 port Control Act, but not eligible to be provided
19 under direct commercial sales under section 38
20 of such Act.

Passed the House of Representatives September 2,
2025.

Attest:

Clerk.

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