

119TH CONGRESS
1ST SESSION

H. R. 4216

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 3, 2025

Received; read twice and referred to the Committee on Foreign Relations

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.

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

(ii) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the term “FMS-only list” means the list maintained by the Secretary of State of defense articles and defense services that are eligible to be provided under the foreign military sales program under chapter 2 of the Arms Export Control Act, but not eligible to be provided under direct commercial sales under section 38 of such Act.

Passed the House of Representatives September 2,
2025.

Attest: KEVIN F. MCCUMBER,
Clerk.