

118TH CONGRESS
1ST SESSION

H. R. 3438

To require the Secretary of Defense report on the domestic content requirements major defense acquisition programs, to establish an enhanced domestic content requirement for certain procurements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2023

Mr. NORCROSS introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

To require the Secretary of Defense report on the domestic content requirements major defense acquisition programs, to establish an enhanced domestic content requirement for certain procurements, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Industrial Na-
5 tional Defense Supply Act of 2023” or the “MINDS Act”.

1 **SEC. 2. ENHANCED DOMESTIC CONTENT REQUIREMENT**
2 **FOR MAJOR DEFENSE ACQUISITION PRO-**
3 **GRAMS.**

4 (a) ASSESSMENT REQUIRED.—

5 (1) IN GENERAL.—Not later than one year
6 after the date of the enactment of this Act, the Sec-
7 retary of Defense shall submit to the congressional
8 defense committees a report assessing the domestic
9 source content of procurements carried out in con-
10 nection with a major defense acquisition program.

11 (2) INFORMATION REPOSITORY.—The Secretary
12 of Defense shall establish an information repository
13 for the collection and analysis of information related
14 to domestic source content for products the Sec-
15 retary deems critical, where such information can be
16 used for continuous data analysis and program man-
17 agement activities.

18 (b) ENHANCED DOMESTIC CONTENT REQUIRE-
19 MENT.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), for purposes of chapter 83 of title 41,
22 United States Code, manufactured articles, mate-
23 rials, or supplies procured in connection with a
24 major defense acquisition program are manufactured
25 substantially all from articles, materials, or supplies
26 mined, produced, or manufactured in the United

1 States if the cost of such component articles, mate-
2 rials, or supplies—

3 (A) supplied not later than the date of the
4 enactment of this Act, exceeds 60 percent of
5 cost of the manufactured articles, materials, or
6 supplies procured;

7 (B) supplied during the period beginning
8 January 1, 2024, and ending December 31,
9 2028, exceeds 65 percent of the cost of the
10 manufactured articles, materials, or supplies;
11 and

12 (C) supplied on or after January 1, 2029,
13 exceeds 75 percent of the cost of the manufac-
14 tured articles, materials, or supplies.

15 (2) EXCLUSION FOR CERTAIN MANUFACTURED
16 ARTICLES.—Paragraph (1) shall not apply to manu-
17 factured articles that consist wholly or predomi-
18 nantly of iron, steel, or a combination of iron and
19 steel.

20 (3) RULEMAKING TO CREATE A FALLBACK
21 THRESHOLD.—

22 (A) IN GENERAL.—Not later than 180
23 days after the date of the enactment of this
24 Act, the Secretary of Defense shall issue rules
25 to determine the treatment of the lowest price

1 offered for a foreign end product for which 55
2 percent or more of the component articles, ma-
3 terials, or supplies of such foreign end product
4 are manufactured substantially all from articles,
5 materials, or supplies mined, produced, or man-
6 ufactured in the United States if—

7 (i) the application paragraph (1) re-
8 sults in an unreasonable cost; or

9 (ii) no offers are submitted to supply
10 manufactured articles, materials, or sup-
11 plies manufactured substantially all from
12 articles, materials, or supplies mined, pro-
13 duced, or manufactured in the United
14 States.

15 (B) TERMINATION.—Rules issued under
16 this paragraph shall cease to have force or ef-
17 fect on January 1, 2030.

18 (4) APPLICABILITY.—The requirements of this
19 subsection—

20 (A) shall apply to contracts entered into on
21 or after the date of the enactment of this Act;
22 and

23 (B) shall not apply to a country that is a
24 member of the national technology and indus-

1 trial base (as defined by section 4801 of title
2 10, United States Code).

3 (c) MAJOR DEFENSE ACQUISITION PROGRAM DE-
4 FINED.—The term “major defense acquisition program”
5 has the meaning given in section 4201 of title 10, United
6 States Code.

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