

Charter  
Defense Acquisition Review Committee

1. Advisory Board's Official Designation: The committee shall be known as the Defense Acquisition Review Committee ("DARC").
2. Authority: The Secretary of War, in accordance with chapter 10 of title 5 , United States Code (U.S.C.) (commonly known as the "Federal Advisory Committee Act" or "FACA") and title 41, Code of Federal Regulations (C.F.R.) § 102-3.50(d), established this discretionary advisory committee.
3. Objectives and Scope of Activities: The DARC shall provide independent advice and recommendations on any proposal for the Department of War (DoW) to procure a non-commercial product or service, as set out in paragraph 4 below.
4. Description of Duties: Congress has repeatedly mandated that the head of each executive agency ensures that procurement officials in that executive agency, to the maximum extent practicable, acquire commercial services or commercial products or nondevelopmental items other than commercial products to meet the needs of the agency. *See* Federal Acquisition Streamlining Act (FASA) of 1994, 41 U.S.C. § 3307(c); National Defense Authorization Act for Fiscal Year 2026, 10 U.S.C. § 3453. Congress has also mandated agency heads to require that agency procurement requirements be defined so that commercial services or products may be procured to fulfill such requirements, require contractors and subcontractors to incorporate commercial services and products, modify requirements to ensure that they can be met by commercial services or products, state specifications to enable bidders and offerors to supply commercial services or products, revise agency procurement policies, practices, and procedures to reduce impediments to the acquisition of commercial products or services, require training of appropriate personnel in the acquisition of commercial products and services, and conduct appropriate market research before developing new specifications for a procurement, soliciting certain bids or proposals, and awarding certain task orders and deliveries. 10 U.S.C. § 3453(b)-(c). Congress has also mandated that agency heads establish a process for determinations regarding the non-availability of commercial products or services. *Id.* § 3453(d).

The DARC shall be responsible for reviewing every proposal for a non-commercial or developmental procurement and providing a report and recommendation on that proposal to the Secretary of War. The DARC shall make

a recommendation on whether the Secretary should determine that no commercial product, commercial service, or nondevelopmental item exists that is suitable to meet the needs of the agency. In making its recommendation, the DARC shall consider and make findings on (1) whether market research was conducted; (2) the adequacy of any market research conducted; (3) whether there are commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items other than commercial items available that meet the agency's requirements, that could be modified to meet the agency's requirements, or that could meet the agency's requirements if those requirements were modified to a reasonable extent; and (4) whether the relevant program manager submitted a written memorandum confirming the results of the non-commercial determination signed by the portfolio acquisition executive.

5. Agency or Officer Receiving the DARC's Recommendations: The DARC reports to the Secretary of War or the Deputy Secretary of War ("the DoW Appoint Authority"), who may act upon the DARC's advice and recommendations in accordance with DoW policy and procedures.
6. Support: The DoW, through the Office of the USW(A&S), provides support for the DARC. In addition to the Designated Federal Officer (DFO) described in section 8, the DoW will supply full-time staff to assist with the work and operations of the DARC.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contact support, will be \$XXXXX. The estimated annual costs to the DoW are X.X full time equivalents at \$XXXX, which includes basic pay with cost-of-living allowance. Program element to support DARC contracts and travel costs is \$XXXX. The estimated reimbursement costs for DARC staff and members is \$XXXXX.
8. Designated Federal Officer: The DARC's Designated Federal Officer (DFO) shall be a full-time DoW Federal civilian officer or employee, or active-duty member of the Armed Forces, designated in accordance with DoW policy and procedures.

The DARC's DFO is required to attend all DARC meetings for the entirety of each meeting. However, in the absence of the DARC's DFO, a properly approved Alternate DFO, duly designed to the DARC in accordance with DoW policy and procedures, shall attend the entirety of all DARC meetings.

The DFO, or the Alternate DFO, calls all DARC and subcommittee (panel) meetings; prepares and approves all meeting agendas; adjourns any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public's interest or required by governing regulations or DoW policy and procedures.

The DFO will fulfill the requirements under 5 U.S.C. § 1009(b) and will maintain information on advisory committee activities and provide such information to the public as applicable. The DFO will ensure DARC members receive the appropriate training (e.g., FACA overview, ethics training) for efficient operation and compliance with the FACA and title 41, C.F.R. § 102-3 (the Final Rule) and transmits the DARC's recommendations on commercial acquisitions to the Secretary of War or the Deputy Secretary of War. The DFO will also ensure that DARC members are adequately briefed and informed about the pending proposals in a timely manner, publish the public notice of the meeting, and oversee all other logistical measures necessary for the efficient operation of the DARC and its functions.

9. Estimated Number and Frequency of Meetings: The estimated number of meetings is 26 per year. However, the DARC shall have the discretion to meet more often or less often, in whole or in part, as it deems necessary to fully and efficiently carry out the purposes and functions of the DARC.
10. Duration: The duration of the advisory committee is continuing; however, it is subject to the Termination section below.
11. Termination: The DARC shall terminate upon completion of its mission or two years from the date this charter is filed, whichever is sooner, unless the DoW renews the DARC in accordance with DoW policy and procedures.
12. Membership and Designation: The DARC shall be composed of no more than 25 members, who are eminent authorities in the fields of weaponry, science, technology, procurement, logistics, supply chains, and other matters germane to DoW procurement, acquisitions, and sustainment topics of special interest to the DoW.

The appointment of DARC members shall be approved by the DoW Appointing Authority for a term of service of one-to-four years, with annual renewals, in accordance with DoW policy and procedures. No member, unless approved by the DoW Appointing Authority, may serve more than two consecutive terms of

service on the DARC, or serve on more than two DoW Federal advisory committees at one time.

DARC members shall not be full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, when appointed to serve on DARC. DARC members shall be appointed as experts or consultants pursuant to title 5, U.S.C. §3109 to serve as special government employee (SGE) members.

13. Subcommittees/Panels: The DARC, as necessary and consistent with the DARC's mission and DoW policy and procedures, will establish limited-duration panels to carry out the functions and purposes of the DARC. The DARC's panels shall not be drawn for considering set subject matters or topics, but will instead be drawn as needed to evaluate and make a recommendation on each individual non-commercial acquisition exemption request that is presented to the DARC (or, if DARC deems necessary, a single panel may consider multiple individual acquisition requests). The purpose of these panels is to divide the workload of the DARC and ensure that the functions of the DARC are carried out in an efficient, orderly fashion.

A panel of the DARC will be composed of five (5) members, which shall be drawn at random from the pool of all non-recused DARC members. This panel of five members shall consider the application(s) for a non-commercial acquisition exemption and shall make findings and (a) recommendation(s) on whether the exemption application(s) should be granted or denied. During this evaluation process, the panel may also consider the opinions of members of the military who have expertise in the in-field use of the particular acquisition(s), and may also consider the opinions of any other DARC member who has particular expertise in that field of procurement. Any DARC member who was not selected to sit on a particular panel but nonetheless participates in order to share his or her specific subject-matter expertise shall participate as a non-voting member of that particular panel.

In evaluating the exemption application(s) and when making the recommendation(s), the panel shall have the assistance of staff supplied by the DoW and shall operate under all public recordkeeping and disclosure requirements of General Records Schedule 6.2, Federal Advisory Committee Records, title 5, U.S.C. § 552, and other applicable DoW policy and procedure.

After the panel has made a recommendation on whether an application for a non-commercial acquisition exemption should be granted or denied, a written copy of that recommendation will be circulated to the full DARC. Any member of the DARC may move to rehear the exemption application by the full DARC. If such a motion to rehear the exemption application is made, the DARC Chair will call a vote. If a majority of the DARC votes to rehear the exemption application, then the recommendation of the panel will be vacated and the full DARC will rehear the exemption application and shall make a new recommendation on whether that exemption application should be granted or denied. If no such motion to rehear the exemption application is filed within seven days, then the DARC Chair shall adopt the recommendation of the panel as the recommendation of the full DARC.

The DoW shall also have the authority to establish standing (non-panel) subcommittees to consider broader subject matters as it deems necessary, and in accordance with normal DoW and FACA procedure and policy.

14. Recordkeeping: The records of the DARC and its subcommittees (panels) shall be managed in accordance with General Records Schedule 6.2, Federal Advisory Committee Records, or other approved agency records disposition schedule, and the appropriate DoW policy and procedures. These records shall be available for public inspection and copying, subject to title 5, U.S.C. §552. No panel subcommittee that engages in any official business on behalf of DARC will be exempt from the General Records Schedule 6.2, or the requirements of title 5, U.S.C. §552, even if the matters considered by that panel subcommittee are later considered by the full DARC.
15. Filing Date: Month DD, 2026.