

Membership Balance Plan

Department of War — Defense Acquisition Review Committee

1. Authority: The Secretary of War, in accordance with chapter 5 U.S.C. § 10 (the “Federal Advisory Committee Act” or “FACA”) and 41 C.F.R. § 102-3.50(d), established the Defense Acquisition Review Committee (“DARC”) as a discretionary Federal advisory committee.
2. Mission/Function: 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, in order to comply with Congress’s instruction to acquire commercial services or commercial products or nondevelopmental items other than commercial products to meet the needs of the agency, to the maximum extent practicable. *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.
3. Points of View: The DARC shall be composed of no more than 25 members who have extensive knowledge and experience about the private industrial capabilities in one or more key commercial sectors relating to common DoW acquisitions. Membership will consist of talented private sector leaders who possess a multiplicity of experience, background, and thought in support of the DARC’s mission. In selecting members for DARC, the DoW seeks to capitalize on the existing talented private sector industries that already develop and manufacture a wide range of products that can be used for the DoW’s acquisition needs, and thereby comply with Congress’s requirement that the DoW seek out and use commercially available options for its acquisition needs.

Ideal DARC members will possess extensive knowledge regarding the private sector industrial capabilities in one or more of the following (nonexhaustive) list of commercial sectors:

- Information and communication technology (including but not limited to production of software, artificial intelligence, network infrastructure, data analytics, and cybersecurity products).
- Electronics (including but not limited to production of generators, semiconductors, sensors, optics, and related electronic components).

- Aerospace technology (including but not limited to production of commercial aviation vehicles, unmanned aviation vehicles, satellite technology, related maintenance systems, and replacement components).
- Automotive technology (including but not limited to production of vehicles, autonomous vehicle systems, components, and support systems).
- Energy (including, but not limited to, production and/or procurement of oil, gas, batteries, electrical systems, and other required support systems).
- Weapon systems (including but not limited to production of integrated weapons systems, small arms, sighting systems, weapon mounts, non-lethal weapons, and other miscellaneous weapon components).
- Ordnance (including but not limited to production of ammunition, explosives, chemicals, pyrotechnics, bombs, and other logistical acquisitions related to ordnance storage and transport).
- Medical technology (including but not limited to production of biotechnology, pharmaceuticals, medical devices, and other field medical care).
- Subsistence (including but not limited to production and/or procurement of food-processing products, field-ready rations, hydration, and other food-related logistical acquisitions).
- Advanced materials (including but not limited to production of body armor, uniforms, textiles, composites, and other related materials).

In evaluating candidates, the DoW shall consider the candidate's educational and professional experience as they relate to the acquisition questions that are expected to be referred to the DARC. The DoW will give particular consideration to a candidate's prior work experience with either an existing private industry leader in the production of commercial products related to military purposes, or with a representative association for such industries. The DoW shall seek to fairly balance membership in a way that reflects points of view from a fair cross-section of the American industrial sector, in order to provide a variety of background, experience, and thought and best support the mission and functions of the DARC.

Each DARC member, based upon their individual experience and expertise, shall exercise their own best judgment concerning matters before the DARC,

shall not represent any particular point of view, and shall discuss and deliberate in a manner that is free from conflicts of interest.

DARC members may not be full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, at the time of selection and appointment 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 employees, and will be compensated for their services on a pro-rata basis commensurate to the amount of time they serve on DARC matters, as set out according to title 5, U.S.C. §1006(d), and title 5, U.S.C. §5376. Individuals who work in the private industrial sector but hold military reservist positions may be selected as members of DARC—provided that such selection does not give rise to a conflict of interest under applicable Federal ethics laws and regulations, or result in simultaneous receipt of pay from more than one Federal source in violation of 5 U.S.C. §5533 or §5536—but shall promptly notify the DFO upon any change in status that implicates active-duty service, and such change may constitute grounds for termination of appointment.

Members, including the designation designated Chair and Vice Chair, shall be selected by the Appointing Authority and shall be invited to serve for overlapping terms of up to four years, except that any member appointed to complete the unexpired term of a former member shall be appointed for the remainder of that term. A member may serve for up to an additional 180 days after the expiration of his or her term if a successor member has not taken office.

4. Other Balance Factors: N/A.
5. Candidate Identification Process: The DoW, in selecting potential candidates for the DARC, shall review the expertise and professional credentials of individuals with extensive professional experience in the areas described in section 3 above and the subject matters to be handled by the DARC.

The DoW's selection process shall include the OSW inviting nominations and recommendations from the private sector. Potential candidates should demonstrate (1) significant professional experience and/or current employment in one or more of the industrial sectors identified in the DARC's membership balance plan, and (2) a willingness to commit time to work on the DARC and faithfully serve its mission.

The list of potential candidates shall be reviewed by the OSW in consultation with the Special Assistant to the Secretary of War for White House Liaison. The OSW, in its review, shall strive to achieve a membership that fairly represents a cross-section of the various sectors of the American industrial sector.

Before formal nomination to the DoW Appointing Authority, the list of potential nominees is reviewed by the Office of the General Counsel of the Department of War and the Advisory Committee Management Officer for the Department of War (DoW ACOMO) to ensure compliance with Federal and DoW governance requirements, including compliance with the DARC's charter and membership balance plan. Following this review, the Director of Administration and Management forwards the DoW Appointment Approval Instrument, which is prepared by the DoW ACOMO, to the DoW Appointing Authority for appointment consideration. Following approval by the DoW Appointing Authority, the candidates must complete appointment paperwork and training, to include any financial disclosure or other ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

Authority to invite or appoint individuals to serve on the DARC rests solely with the Appointing Authority. Membership vacancies for the DARC will be filled in the same manner as described above.

6. Subcommittee Balance: The DARC, as necessary and consistent with the DARC's mission and DoW policy and procedures, may establish limited-duration subcommittees (or panels) to carry out the functions and purposes of the DARC.

The DARC's subcommittees (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.

Members of the DARC are subject to the policies and ethical codes of the DoW for SGEs. When necessary, and in accordance with DoW policy and procedures, members of the DARC shall recuse from matters that would create a conflict of interest.

After recusals have been determined, a DARC panel shall be randomly drawn from the remaining pool of remaining members. A DARC panel shall be composed of five members. If the DARC Chair determines that randomly drawn

panel does not represent a fair balance of different industrial sectors, the DARC Chair shall have the authority to order the panel redrawn from the pool of non-recused members.

7. Other: As nominees are considered for appointment to the DARC, the DoW adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions (79 Federal Register 47482; August 13, 2014); the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared: Month DD, 2026.