

Department of War
Defense Acquisition Review Committee
Public Interest Determination

Pursuant to 41 C.F.R. §102-3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget.

Information on the following factors for the committee is provided to the Secretariat to demonstrate that the creation of the Defense Acquisition Review Committee is in the public interest:

1. Annual budget.

The Department of War (DoW) estimates that the total annual operating costs for a fully populated and operational Defense Acquisition Review Committee (DARC), to include travel, meetings, cost of Federal staff payments and contract support, will be \$XXXXX.

a. Federal personnel on a full-time equivalent (FTE) basis.

The estimated annual personnel costs to the DoW are X.X full time equivalents at \$XXXX, which includes basic pay with cost-of-living allowance.

b. Other Federal internal costs.

Program element to support DARC functions and costs is \$XXXX.

c. Proposed payments to members.

The members of DARC shall be compensated for their services on a pro-rata basis commensurate to the amount of time they serve on DARC matters. The compensation for DARC members will be set according to title 5, U.S.C. §1006(d), and title 5, U.S.C. §5376. DARC members may also receive reimbursement for official DARC travel and business expenses.

d. Proposed number of members.

As authorized by the Secretary of War (SecWar), the DARC will be composed of not more than 25 members.

e. Reimbursable costs.

The estimated reimbursement costs for DARC staff and members is \$XXXX.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year.

N/A

3. Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership.

As described in its proposed charter and membership balance plan, the DARC will be composed of 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. 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 acquire commercial services, commercial products, or nondevelopmental items other than commercial products to meet the needs of the agency. The DARC's membership balance is not static, and the SecWar may change the membership based upon work assigned to the DARC.

4. List of all other Federal advisory committees of the agency.

- (1) Advisory Committee on Arlington National Cemetery
- (2) Air University Board of Visitors
- (3) Armed Forces Retirement Home Advisory Council
- (4) Army Education Advisory Committee
- (5) Board of Regents, Uniformed Services University of the Health Sciences
- (6) Board of Visitors for the Western Hemisphere Institute for Security Cooperation
- (7) Board of Visitors, Marine Corps University
- (8) Board of Visitors, National Defense University
- (9) Board of Visitors of the U.S. Air Force Academy

- (10) Board on Coastal Engineering Research
- (11) Corps of Engineers Western Water Cooperation Committee
- (12) Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces
- (13) Defense Advisory Committee on Military Personnel Testing
- (14) Defense Business Board
- (15) Defense Health Board
- (16) Defense Policy Board
- (17) Department of Defense Board of Actuaries
- (18) Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries
- (19) Department of Defense Military Family Readiness Council
- (20) Department of Defense Wage Committee
- (21) Department of the Air Force Scientific Advisory Board
- (22) Education for Seapower Advisory Board
- (23) Inland Waterways Users Board
- (24) National Security Education Board
- (25) Non-Federal Interest Advisory Committee
- (26) Reserve Forces Policy Board
- (27) Science, Technology, and Innovation Board
- (28) Strategic and Critical Materials Board of Directors
- (29) Strategic Environmental Research and Development Program
- (30) Scientific Advisory Board
- (31) Tribal and Economically Disadvantaged Communities Advisory Committee
- (32) U.S. Army Science Board
- (33) U.S. Strategic Command Strategic Advisory Group
- (34) Uniform Formulary Beneficiary Advisory Panel
- (35) United States Military Academy Board of Visitors
- (36) United States Naval Academy Board of Visitors

5. Justification that the information or advice provided by the Federal advisory committee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

As described in the proposed DARC charter, the DARC provides independent advice and recommendations on any proposal for the DoW to procure a non-commercial product or service. 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, commercial products, and nondevelopmental items other than commercial products to meet the needs of the agency. *See, e.g.*, Federal Acquisition Streamlining Act (FASA) of 1994, 41 U.S.C. § 3307(c); National Defense Authorization Act (NDAA) for Fiscal Year 2026, 10 U.S.C. § 3453(b). Congress also mandated in the most recent NDAA that agency heads “establish a process for determinations regarding the non-availability of commercial products or services.” *Id.* at § 3453(d).

The volume of procurements under consideration far eclipses what it is possible for the head of the agency (here SecWar) to realistically consider himself; therefore (and as contemplated by Congress) a process is needed. The DARC is designed to serve as the vehicle for that process.

As currently structured, the DARC will inject fresh outside perspectives from primarily private sector leaders who have expert knowledge about existing commercial products and services and the adaptability of existing commercial products and services. DARC members will be primarily drawn from private sector commercial manufacturing and production companies, and each will have extensive knowledge and experience about the private industrial capabilities in one or more military acquisition sectors—including, but not limited to, information and communication technology, weapon systems, aerospace technology, automotive technology, electronics, energy, ordnance, medical technology, and other such military needs. This composition of experts from various industries that represent a cross-section of the private American commercial sectors will have a much better understanding of the products and systems that are already available in the private market. The DARC will thus be uniquely positioned to carry out the statutory directives and priorities outlined by Congress and offer valuable practical advice on the OSW can best use the military acquisition process to prepare for war and prepare to win.

Furthermore, there is no other Federal advisory committee or source that is tasked with and equipped for providing crucial outside perspective on such a granular level. For example, the Science, Technology, and Innovation Board (STIB) provides the DoW with independent advice and recommendations regarding the DoW’s scientific, technological, and innovative enterprises. But as its charter states, it is focused on operational-level “pressing and complex

problems facing the DoW[,]" and specifically "does not advise on individual DoW procurements." The STIB cannot effectively accomplish both missions.

- 6. If the justification relates to a renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.**

N/A

- 7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.**

In the 2026 NDAA—codified at 10 U.S.C. §3453—Congress ordered the Secretary of War to "establish a process" for determining whether a commercially available product can meet the Department's acquisitions needs. 10 U.S.C. §3453(d)(1). Congress further ordered that under the new process, the Department of War may not procure a noncommercial product or service until the Secretary determines that market research has resulted in a determination that "no commercial product, commercial service, or nondevelopmental item exists that is suitable to meet the needs of the agency." *Id.* §3453(d)(1)(A).

As described in the DARC's proposed charter and membership balance plan, and in section 5 above, the DARC will offer a fresh outside perspective on the products and services that already exist at scale in the American industrial commercial sectors. This outside perspective will provide valuable advice and insight on how to optimize the DoW's acquisition process for commercial products and services. The DARC's recommendations will also enable SecWar to fulfill his statutory duties to determine if adequate market research has been conducted for each procurement by providing a slate of recommended decisions for SecWar to review. This office is unaware of any U.S. Government or non-government entity that could provide the same level of commercial, industrial, and acquisitions expertise necessary to ensure that the American military remains the most lethal and dominant on the planet—not merely for a few years, but for the decades and generations to come.