

DEFENSE ACQUISITION REGULATIONS SYSTEM RULEMAKING PROCESS

BACKGROUND: The Director, Defense Procurement & Acquisition Policy (DPAP) issues and maintains the Federal Acquisition Regulation (FAR) jointly with the General Services Administration (GSA) and the National Aeronautics and Space Administration (NASA). In addition, the Director, DPAP, issues and maintains the Defense FAR Supplement (DFARS). The authority for issuance of the FAR and the DFARS stems from the Office of Federal Procurement Policy (OFPP) Act (41 U.S.C. 1707).

DISCUSSION: The Director, DPAP, is a member of the FAR Council, which provides overall direction for issuance of the FAR. The FAR Council consists of the OFPP Administrator and the lead acquisition officials from DoD, GSA, and NASA.

The day-to-day operations for issuing and maintaining the FAR are handled by the Defense Acquisition Regulations (DAR) Council and the Civilian Agency Acquisition Council (CAAC).

- The DAR Council is chaired by DPAP's Deputy Director for DARS and includes a legal member and a policy member from each of the Military Departments, the Defense Logistics Agency, the Defense Contract Management Agency, and NASA.
- The CAAC is chaired by the General Services Administration and includes members from 14 other civilian agencies.

All FAR changes are published in the Federal Register. Before publication, FAR changes—

- Must be agreed to by both the DAR Council and the CAAC;
- Must be cleared by OMB's Office of Federal Procurement Policy and OMB's Office of Information and Regulatory Affairs; and
- Must be approved by the DoD, GSA, and NASA members of the FAR Council.

The DAR Council also handles the day-to-day operations for issuing and maintaining the DFARS. All DFARS changes are published in the Federal Register. Before publication, DFARS changes—

- Must be agreed to by the DAR Council;
- Must be cleared by OMB's Office of Federal Procurement Policy and OMB's Office of Information and Regulatory Affairs; and
- Must be approved by the Director, DPAP.

The public is given an opportunity to comment on FAR and DFARS changes that have an effect beyond the internal operating procedures of the Government.