



August 11, 2025

Mr. Mathew Blum
Acting Administrator
Office of Federal Procurement Policy
Office of Management and Budget
Washington, DC 20503

Subject: Feedback on Federal Acquisition Regulation Overhaul – Part 6

Dear Mr. Blum,

On behalf of the Aerospace Industries Association (AIA), representing the nation's leading aerospace and defense companies, we commend the Administration's continued efforts to modernize and streamline the Federal Acquisition Regulation (FAR). The FAR Overhaul initiative is a critical step toward reducing regulatory burdens, enhancing competition, and improving acquisition outcomes across the federal government.

We appreciate the opportunity to provide informal feedback throughout the FAR Overhaul effort and previously submitted comments on the revised FAR Parts 1, 10, and 34 and revised FAR Parts 11, 18, 39, and 43.^{1,2} We are pleased to now offer the below comments on the proposed revisions to FAR Part 6, "Competition Requirements."

- 1. Exceptions to Full and Open Competition:** FAR Part 6 is critically important as it establishes full and open competition as a foundational element of the federal procurement process, ensuring transparency, fairness, and best value in government contracting. While statute provides the government with limited authority to use procedures other than full and open competition in specific, justified scenarios, these exceptions are narrowly tailored, and the overarching objective of the federal procurement system remains the promotion of robust and fair competition. In several places, however, the revised FAR Part 6 appears to inadvertently broaden the scope of these exceptions. To ensure fair and robust competition remains a cornerstone of the federal procurement system and to comply with statutory intent, AIA recommends the exceptions be re-examined to ensure the revisions do not inappropriately broaden their scope. This includes reviewing the following exceptions:

- **Unusual and Compelling Urgency:** The revised FAR Subpart 6.103-2 introduces vague terms such as "financially injured" and "otherwise injured." These phrases lack clear definitions, are not included in 10 U.S.C. § 3204(a)(2), and substantively change the context in which this exception applies. The exception is now broader than intended by statute and could adversely limit competition. AIA recommends reverting to the original language which tied urgency to delays in contract award and aligned with the statutory language at 10 U.S.C. § 3204(a)(2) (Citation: FAR Subpart 6.302-2(b)).
- **Authorized or Required by Statute:** In the revised FAR Subpart 6.103-5, the previously provided list of statutes that authorize or require procedures other than full and open competition is replaced with a shorter list and includes the phrase

¹ [AIA Feedback on FAR Overhaul – Parts 1, 10, & 34](#)

² [AIA Feedback on Revised FAR Parts 11, 18, 39, 43](#)

“include, but are not limited to...” This approach could significantly expand the potential use of this exception and have the effect of limiting competition. AIA recommends retaining the specific list of statutes that qualify for use of this exception (Citation: original FAR Subpart 6.302-5(b)).

- National Security: The revised FAR Subpart 6.103-6 deletes qualifying language which provided additional context regarding what it means to “compromise national security.” Without the qualifying language, “violate security requirements,” the authority to use other than full and open competition for national security reasons may lead to inappropriately broad application and therefore adversely limit competition. AIA recommends retaining the original language (Citation: original FAR Subpart 6.302-6(b)).

Additionally, the revised FAR Subpart 6.103-6 deletes prior language which stated that, even in cases where other than full and open competition was used for national security purposes, “agencies shall request offers from as many potential sources as is practicable under the circumstances.” To ensure robust competition, AIA recommends retaining this language (Citation: original FAR Subpart 6.302-6(c)(3)).

2. **Justification of Other than Full and Open Competition:** As required by statute, justification is essential when the Department of Defense employs procedures other than full and open competition to ensure transparency, uphold accountability, and demonstrate an exception to competition is warranted by specific statutory criteria and mission needs. The revised FAR Part 6 makes several changes to the justification requirements and process which may inadvertently limit competition. AIA recommends this section be re-examined with particular focus on the following:

- Justification Content: The revised FAR Subpart 6.104-1(a) deletes several information requirements that should be included in justifications to use other than full and open competitive procedures. Eliminating these elements, including the requirement to explain why technical data packages suitable for competition are unavailable, removes critical justification criteria. AIA recommends retaining these justification elements or including them in the forthcoming FAR Companion Guide to ensure transparency in decisions to use other than competitive procedures (Citation: original FAR Subpart 6.303-2(b)).

Additionally, the revised FAR Subpart 6.104-1(a)(6) replaces the word “practicable” with “possible.” The change in language contradicts the applicable statutory provision (41 U.S.C § 3304); because “practicable” is subject to a standard of reasonableness and “possible” is not, the revision imposes a different standard on the government than the applicable statute. To ensure clarity and consistency with statute, AIA recommends retaining the original language (Citation: original FAR Subpart 6.303-2(b)(6)).

- Protection of Proprietary and Competition Sensitive Business Information in Justifications: The revised FAR Subpart 6.301(d) deletes language which allows contractors to review justifications for proprietary or competitive sensitive information prior to being made public. While the revision retains language requiring contracting officers to screen and remove any proprietary data, it is likely that

contractors are better qualified to identify their own proprietary information and effectively prevent the release of sensitive business information. As such, AIA recommends retaining the current language (Citation: original FAR Subpart 6.305(e)).

3. Administrative Corrections: There appear to be a small number of administrative errors included in the FAR Part 6 revisions, including those identified below. AIA recommends these be reviewed and corrected, as appropriate, prior to final rulemaking.

- The content of the revised FAR Subpart 6.102 appears to be duplicative to FAR Subpart 6.101. Furthermore, it appears to reflect the original FAR language and does not reflect the edits made to the revised FAR Subpart 6.101.
- The title of revised FAR Subpart 6.102 (Full and open competition after excluding sources) does not appear appropriate given the content immediately following it.
- The revised FAR Subparts 6.102(a)-(b) refer to "FAR Subpart 6.401," which does not exist.

AIA and our member companies remain committed to supporting the FAR Overhaul effort and appreciate the opportunity to provide feedback. We believe the recommendations outlined above will help preserve competition, reduce ambiguity, and ensure the FAR remains a reliable and effective tool for federal procurement.

Thank you for giving us the opportunity to provide feedback. Please direct any questions to the undersigned at margaret.boatner@aia-aerospace.org or 703-358-1085.

Sincerely,

A handwritten signature in black ink that reads "Margaret Boatner". The signature is written in a cursive, flowing style.

Margaret Boatner
Vice President, National Security Policy