

Paul Solomon
3307 Meadow Oak Drive
Westlake Village, CA 91361
Paul.solomon@pb-ev.com

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The Honorable Robert J. Wittman
Vice Chairman, HASC
2055 Rayburn House Office Building
Washington, DC, 20515-4601

Subj: F-35 TR-3 Upgrade Delays, NDAA Revisions, and F-35 Hearing Agenda

Dear Vice Chairman Wittman:

Your plan to hold Lockheed Martin and the military accountable for fielding Technical Refresh-3 (TR-3) capabilities without further delays is commendable. However, GAO and DOT&E have reported the program's lack of:

1. Performance metrics and outcome-based metrics.
2. Clear articulation of the capabilities required in the Minimum Viable Product (MVP), focused testing, comprehensive characterization of the product, and full delivery of the specified operational capabilities.
3. Continual assessment of the value of capability delivered to support iterative software development.

More broadly, you have stated that the Pentagon needs to think how it creates these systems and to prioritize software creation first. Please consider my recommendations to:

1. Revise the NDAA for FY 2024 to address your objectives.
2. Ask the right questions at your future F-35 hearing.

NDAA

Please revise the following NDAA sections during the House-Senate conference:

- House version, Sec. 219, Continuous Capability Development and Delivery (C2D2) Program for F-35 Aircraft
- Senate version, Sec. 815, Modifications to Earned Value Management Systems (EVMS) Requirements

Proposed NDAA revisions were included in letters to Rep. Norcross and Sen. Duckworth:

- Norcross: Subj: F-35 C2-D2 Oversight Issues Omitted from House Version of NDAA Sec. 219, dated Aug. 8, 2023
- Norcross: Subj: Subj: GAO Assessment of Reported F-35 Block 4 Modernization Expected Costs, dated Aug. 11, 2023
- Duckworth: Subj: GAO Report and Need to Revise NDAA Sec. 815, Earned Value Management, dated July 21, 2023

These may be downloaded from www.pb-ev.com, at the Acquisition Reform tab.

Previous Support to Chairmen McCain and Skelton

I have been advocating defense acquisition reforms since 2007. My recommendation to Chairman Skelton, regarding EVMS, was incorporated into the NDAA for FY 2011.

My letter to Chairman McCain, Subj: Cost Controls on the F-35 and Need for Acquisition Reform of EVM, dated Oct. 25, 2011, included the following excerpt:

“I seek your help to reform a flawed process that is intended to track program performance and provide an early warning of cost overruns and schedule slips. It is not working. The acquisition regulations and process enable contractors to submit invalid, misleading information to the Government on all capital asset acquisitions, not just weapon systems. We need to improve transparency and accountability.”

I cited Block 3 software in the letter to Sen. McCain, Subj: Cost Overruns and Delays on the F-35 Program and Need for Acquisition Reform, dated Nov. 5, 2016. Excerpt:

“...cited the continuing slips in development of Blocks 2F and **3F** software as well as other F-35 functional requirements, and have recommended that you request the GAO to determine the accuracy of Lockheed’s monthly EVM reports.”

An excerpt from an August 2016 email is also pertinent today: “the April question is still relevant: Does Lockheed Martin’s earned value reporting now disclose the behind schedule condition to achieve Block 3i functionality requirements and the increasing cost overruns to Block 3i for the on-going rework?”

Your Opportunity and Responsibility

Please revive unfinished acquisition reform business via amendments to the NDAA.

Also, I would be pleased to provide questions for your forthcoming F-35 hearing. I had supported Sen. McCain with suggested questions at oversight hearings and also submitted questions that were included in Q&As for recent nomination hearings of DoD officials.

Credentials

I am a recipient of the DoD David Packard Excellence in Acquisition Award and was a finance officer during the Vietnam War. A letter of appreciation from Sen. McCain is attached.

Yours truly,



Paul J. Solomon

CC:

Hon. Donald Norcross, HASC

Hon. Adam Smith, HASC

Hon. Tammy Duckworth, SASC

Hon. William La Plante USD(A&S)

Hon. Heidi Shyu, (USD(R&E))

Hon. Andrew Hunter, AF Asst. Sec. for AT&L

Jon Ludwigson, GAO

Shelby Oakley, GAO

Anthony Capaccio, Bloomberg News

Stephen Losey, Defense News