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July 18, 2025

Hon. Roger Wicker, SASC  
Hon. Adam Smith, HASC

Subject: NDAA for FY 2026 Fails to Meet Your Common Objectives

Dear Hon. Chairman Wicker and Ranking Member Smith:

The Senate and House versions of the NDAA for FY 2026 fail to meet your common objectives:

**Wicker Report: *Restoring Freedom's Forge*:**

**Cut Red Tape**

Decades of layered statute and regulation has created a labyrinth of rules...prevent...thinking innovatively or moving with urgency. Congress should repeal statutory provisions that add *reporting requirements*...or micromanage the executive process.

... *regulatory obstacles and busy work*...striking or streamlining hundreds of redundant or distracting provisions from statute, keeping only the core tenants of good policy.

The FAR...including supplements, clauses, forms, and instructions – runs 6,000 pages, with thousands more in guidebooks...Overregulation has created a culture of *compliance and box-checking that comes at the expense of mission outcomes*.

**Enable Decisive Action Excerpt**

Dozens of oversight organizations drive lengthy reviews to ensure *compliance* with mountains of policies.

**Smith Opinion Piece, “Future of US defense depends on culture shift prioritizing innovation.”**

DOD still largely follows a slow and costly acquisition process hamstrung by a focus on the *process* and rigid requirements rather than fielding a *capability and achieving results*.

Large programs of record for complex systems or large services contracts are built around onerous requirements or *meaningless metrics* rather than problem-solving ideas or *desired outcomes*.

**Shortcomings of S. 5618**

S. 5618. SEC. 823. EXEMPTIONS FOR NONTRADITIONAL DEFENSE CONTRACTORS, exempts nontraditional defense contractors from the Earned Value Management System (EVMS) requirement, DFARS Part 252.234-7002. However, because traditional contractors are not exempted, neither red tape nor compliance reviews have been cut, and Service Acquisition Executives (SAE) must still focus on the process instead of on mission outcomes of major capability acquisitions. Fix the NDAA for FY 2026, to preclude more Nunn-McCurdy breaches and bad outcomes for needed capabilities such as the F-47, ships, and subs.

As asserted in previous letters:

The DFARS EVMS clause enables traditional defense contractors to use botched, manipulated metrics of the quantity of work performed regardless of verifiable progress towards achieving needed capabilities.

The clause should be eliminated for all defense contractors because it is antithetical to the following Defense Acquisition System (DAS) overarching policies:

DAS Section	Excerpts
1.2.a	<b>Deliver Performance at the Speed of Relevance.</b> The DAS will: (d) Conduct <b>data driven</b> analysis.
1.2.k	<b>Employ Performance Based-Acquisition Strategies</b> To maximize competition, innovation, and interoperability, acquisition managers will consider and employ performance-based strategies for acquiring and sustaining products and services. "Performance-based strategy" means a strategy that supports an acquisition approach structured around <b><i>the results to be achieved as opposed to the manner by which the work is to be performed.</i></b>

I am pleased that my recommendations to eliminate barriers to entry and to institutionalize digital engineering (DE) are in the current legislation. As a result, DOD will have improved knowledge of the technical maturity of new technologies and remaining risks before entering major capability acquisitions. By that time, SAEs will use DE and data driven analysis without the distraction of manipulated EVM data.

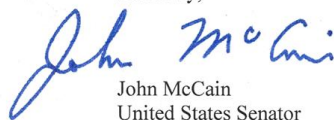
Besides, SAEs and contractors will be held accountable for results with sufficient incentives and penalties. Transparency and congressional oversight will be improved. So, there will be no need for EVM compliance reviews. I predict that contractors will employ EVM with real-time cost and schedule data from the DE ecosystem and Authoritative Sources of Truth. They will abandon NDIA EIA-748 and its 1967 heritage, baggage, and garbage. (I have old quotes from Senators Collins and Murray on "Garbage in, Garbage out"). Program management competencies will be based on PMI standards and guides, not the current DAU curricula.

Please fix the NDAA during joint conference.

A letter I received in 2015 concludes:

Again, I appreciate your continued efforts in working to improve our acquisitions process. Feel free to contact my staff at (202)224-2235 with further information.

Sincerely,

  
John McCain  
United States Senator

Continue his work.



Paul Solomon

CC:

Hon. Pete Hegseth, Sec. Def.	Hon. Stephen Feinberg, Under Sec. Def.
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