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

Subj: Additional Questions for Pending F-35 Hearing including TR-3

Dear Vice Chairman Wittman:

This letter augments my letter dated Nov. 24, subj: F-35 TR-3 Upgrade Delays, NDAA Revisions, and F-35 Hearing Agenda. It includes Block 3 software questions that Sen. McCain asked in 2016 based on my input to him. At that time Block 3 was scheduled to be completed in 2018. Today, some of those capabilities are still not met.

Regarding Block 3 history, please read the attached letters:

- Letter from Sen. McCain to Ash Carter, dated Nov. 3, 2016
- Letter from myself to Sen. McCain dated Nov. 5, 2016, subj: Cost Overruns and Delays on the F-35 Program and Need for Acquisition Reform

The following excerpts concern past issues and deficiencies that are still current:

**Nov. 3, 2016 letter:**

I am extremely disappointed to learn of yet another delay in the completion of the System Development and Demonstration (SDD) phase of the F-35 Joint Strike Program with an associated cost overrun that may be upwards of \$1 billion. This latest setback appears to call into question some of the recent determinations and actions of Department of Defense senior leaders regarding the development of this critical but troubled program.

On April 26, 2016, the F-35 Program Executive Officer, Lieutenant General Christopher Bogdan, testified to the Senate Armed Services Committee: “We will be finishing our development program in late 2017.” Additionally, General Bogdan recently stated that while the schedule to conclude the development phase of the F-35 may slip, completion of that phase would require no additional funds. These statements now appear to be inaccurate.

Similarly, on September 9, 2016, Secretary of the Air Force Deborah James certified to the committee that “the FY16 Low Rate Initial Production (LRIP) Lot 10 F-35A aircraft to be delivered during FY18 (first aircraft delivered in January 2018) will have full Block 3F hardware, software, and weapons carriage.” In the accompanying certification recommendation letter, the Air Force’s top acquisition officer, Lieutenant General Arnold Bunch, wrote, “I am assured adequate funding is available within the F-35 program to complete Block 3F

In light of this recent setback, please provide responses to the following questions:

- 1) When will the Department complete the SDD phase of the F-35?
- 2) How many additional funds, in each upcoming fiscal year budget, will be required to complete F-35 SDD?
- 3) What other service priorities will not receive funding in fiscal year 2018 due to the SDD delay and cost overrun?
- 4) Is Secretary James' Block 3F full combat capability certification, as required by the Fiscal Year 2016 NDAA, still valid?
- 5) How will this delay and cost overrun affect the current overall schedule for Joint Strike Fighter deliveries to the Services?
- 6) When will you complete the operational test and evaluation phase?
- 7) When will you make the Milestone C/Full Rate Production decision?
- 8) Will you defer any planned F-35 capabilities from SDD into the F-35 Follow-on Modernization program?
- 9) How will the SDD delay affect the Follow-on Modernization program?

### **Nov. 5, 2016 letter:**

I was pleased that...you issued a press release which discussed our flawed defense acquisition system and the acquisition reforms in recent NDAA. However, the recent reforms, and the earlier WSARA reforms, failed to address significant deficiencies in the acquisition regulations which enable contractors to report monthly "earned value management" (EVM) cost and schedule performance reports, including the most likely (cost estimate at completion) EAC, that are inaccurate.

Five years ago, I reported similar conditions to you in my letter, subject: "Cost Controls on the F35 and the Need for Acquisition Reform of EVM," dated October 25, 2011. I am pleased that since then, I have been corresponding with your staffers on this subject and that you included some recommendations in mark ups. My emails have reiterated recommended acquisition reforms regarding EVM, 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.

I would be pleased to work with Ms. Gabriel and yourself regarding legislation that should be included in the next NDAA. I also recommend that you consider requesting the GAO to determine the root causes of differences between Lockheed Martin's EVM reports and Dr. Gilmore's assessments. A GAO investigation and recommendations may provide insight into needed acquisition reforms.

### **Your Opportunity and Responsibility**

Please recycle some of Sen. McCain's questions and initiate acquisition reforms.

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  
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