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July 16, 2025

The Honorable Mike Rogers
Chairman, HASC
2216 Rayburn House Office Building
Washington, D.C. 20515

Subject: Augmented Request for Markup; Require Data-Driven Analysis

Dear Hon. HASC Chairman Rogers:

This is a follow-up to my letter dated July 15. It addresses the provision in HR 3838 that each service acquisition executive (SAE) use data-driven analysis "to manage trade-offs among life-cycle costs, delivery schedules, performance objectives, technical feasibility, and procurement quantity objectives to ensure acquisition and sustainment programs deliver the best value for the investment made in the program."

The DFARS Earned Value Management System (EVMS) clause should be eliminated because it is antithetical to data-driven analysis and to the following Defense Acquisition System (DAS) overarching policies:

DAS Section	Excerpts
1.2.a	**Deliver Performance at the Speed of Relevance.** The DAS will: (d) Conduct ***data driven*** analysis.
1.2.k	**Employ Performance Based-Acquisition Strategies** 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 ***the results to be achieved as opposed to the manner by which the work is to be performed***.

Data-driven analysis is clarified in DoDI 5000.97 Digital Engineering (DE) which states that DE "expands on engineering practices to take full advantage of computation, visualization, and collaboration to enable faster, smarter, data-driven decisions throughout the system life cycle. DE should enable faster, higher-quality decision making in weapon system design, development, testing, fielding, and sustainment. These improved decision operations will enable more rapid delivery of warfighting capabilities to the field."

The draft of Revision E of EIA-748, EVMS, still focuses on the ***quantity of work performed***, not the output-based metrics that measure schedule progress towards achieving required capabilities. The draft further alienates EVM from the technical baseline and technical performance by adding a caveat:

> "Complementary systems or methodologies such as systems engineering, cost estimating, manufacturing/enterprise resource planning, and Agile software development often interface with the EVMS. These complementary systems or methodologies deliver other functionality and value to the customer while earned value management provides a standardized method for measuring

progress and contract reporting. The EVMS documentation should describe the system interfaces as well as the recurring control process to maintain data conformance and system compliance."

The SAE should not be required to develop documentation to describe the system interfaces with systems engineering and Agile software development, the process for maintaining system compliance, or how the progress towards achieving need capabilities is even a function of the progress of work completed. The current markups are insufficient to "overhaul current outdated defense acquisition processes." They do not enable a DE ecosystem or enable real-time and iterative data collection, management, analysis, and feedback loops across the life cycle of tested systems."

Please markup the NDAA "to eliminate the DFARS EVMS clause and to upgrade requirements for program and project management to be in accordance with standards accredited by the American National Standards Institute that refer to the product scope as well as the work scope . A contractor, whether traditional or nontraditional, should self-certify such accordance without the burden of compliance reviews. If it is too late to add a markup, please fix this oversight during conference with the SASC.

Buy a product that works, not a SOW.

Yours truly,

Paul Solomon

CC:
John Wicker Chairman, SASC
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