

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

January 11, 2018

The Honorable Claire McCaskill
503 Hart Senate Office Building
Washington, DC 20510

Subject: Fraud on the F-35 Program and Need for Acquisition Reform

Dear Sen. McCaskill:

I am seeking your help to initiate bi-partisan actions, with Sen. McCain, on two issues:

1. Fraudulently-earned award fees on the F-35 program (approximately \$100M), the need to make the taxpayer whole, and the need to deter similar contractor misconduct.
2. Acquisition reform regarding the earned value management system (EVMS).

My previously letter to you, dated April 2, 2014, covered two topics.

1. The need to revise FAR and DFARS to eliminate deficiencies and ambiguities that allow contractors to be fully compliant with the EVMS but although they submit contract performance reports which fail to provide the true status of cost and schedule performance.
2. Specific questions for you to pose to Gen. Bogdan at a hearing.

That letter also recapped my past recommendations to Ike Skelton and Andrew Hunter that resulted in a mark-up to the NDAA for FY 2011. The provision called for a report to assess "whether measures of quality and technical performance should be included in any EVMS."

On January 4, I sent a letter to Sen. McCain with specific recommendations regarding the issues of fraudulent claims and acquisition reform. I sent additional information to Mr. John Lehman, Sen. McCain's staffer.

Please read the letters to yourself and to Sen. McCain. Links to those letters and to this letter are provided at <http://www.pb-ev.com/acquisition-reform.html> . Information regarding my failed whistleblower lawsuit is provided at <http://www.pb-ev.com/f-35-whistleblower-case-.html> .

A recent federal appeals court threw out the case, after five years. It is ironic that the court found that public disclosures were sufficient to provide details "such that the defendant's misconduct would have been readily identifiable" and "furnish evidence of the fraudulent scheme alleged."

I believe that bi-partisan efforts can result in improved transparency and accountability on major cost-plus award fee acquisition contracts. I also hope that AUSA Clay Mahaffey will recover the award fees.



Paul J. Solomon
www.pb-ev.com