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November 3, 2026

Hon. Adam Smith
Ranking Member, HASC
2216 Rayburn House Office Building
Washington, D.C. 20515

Subject: NDAA for FY 2026 (and 2027) Fails to Meet Your Common Objectives, Part 4

Dear Hon. Ranking Member Smith:

When you become Chairman, please take care of unfinished business in my letter to you and Chairman Wicker, Subj: NDAA for FY 2026 Fails to Meet Your Common Objectives, Part 3, dated November 9, 2025. The Department of Defense has failed to improve the policies and regulations to acquire major weapon systems from traditional contractors.

Excerpts from that letter of one year ago follow:

> Time is running out to amend the NDAA. Please read my letter, dated August 23 (2025). You can remove obstacles to achieving common objectives; cut red tape, reduce compliance and box-checking that comes at the expense of mission outcomes, and, for large programs, replacing meaningless metrics with outcome-based metrics.
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> Excerpts from previous letter:
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> **Shortcomings of S. 5618**
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> S. 5618. SEC. 823, 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.
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> 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.
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> **Support Acquisition Transformation Strategy (ATS)**
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> Your amendment will remove a regulation that is counter-productive to meeting DOW objectives in the A*cquisition Transformation Strategy* (ATS). ATS has a requirement to measure progress and prove programs are on the right path by providing real-time and continuous access to program performance data.
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> ATS Shalls:
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> - Leverage existing authoritative data sources, including contractor data and automated reporting mechanisms to assess program performance.

- Ensure reported metrics appropriately convey program health, status, ongoing or anticipated issues, risks, and actions required to address possible causes for delay.
- Correct data is collected and assessed for informed decision making and that the metrics being tracked are outcome focused.

Finally, the ATS states "the Department will carefully review...where improvement is needed to address gaps." The use of the EVMS standard, EIA-748, creates and sustains gaps in authoritative data sources, automated reporting, program status, and outcome focused metrics.
Those gaps were addressed in reports by DOD, the Section 809 Panel, the PBBE Commission and in my white papers. Evidence is provided on the "EIA-748 EVMS STANDARD STATUS" page of the web site, www.pb-ev.com.

Recommended Amendment

Please address those gaps during joint conference by amending S. 5618 to apply the EVMS exemption to all contractors, as follows:

EXEMPTION FOR TRADITIONAL DEFENSE CONTRACTORS. Traditional defense contractors, as defined by section 3014 of title 10, United States Code, shall not be subject to the following requirement:

- DFARS 252.234–7002, or successor regulation.



Paul Solomon

CC:

Hon. USD(A&S) Michael Duffey	Hon. Mike Turner, HASC
Hon. Roger Wicker, SASC	Hon. SecDef Pete Hegseth
Hon. SecAF Meink	Hon. David Norquist NDIA
Hon. Russell Vought, Director, OMB	Hon. USW (A&S) Michael Duffey
Hon. Acting SECNAV Cao	Hon. USD Emil Michael
Hon. Gen. Saltzman, U.S. Space Force	Hon. Robert Wittman, HASC
Hon. Mike Rogers HASC	Hon. Dep. SecDef Stephen Feinberg
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