



February 23, 2026

House Committee on Armed Services  
2216 Rayburn House Office Building  
Washington, DC 20515

Senate Committee on Armed Services  
Russell Senate Building, Room 228  
Washington, DC 20510

Dear House and Senate Armed Services Committee Members:

I write to you on behalf of the Project On Government Oversight (POGO) to encourage you to include in this year's National Defense Authorization Act (NDAA) measures we believe will contribute to a more effective and more cost-effective national defense. As a nonpartisan advocate for a more efficient Pentagon, we believe all of these measures are worthy of bipartisan support, and many have already been introduced as stand-alone bills with sponsors from both parties.

POGO has been working for a more efficient Pentagon since 1981 through investigations that expose waste and abuse of power, and by working with you and your colleagues in the executive branch to envision, implement, and assess solutions. We hope you will consider supporting the inclusion of the following steps toward a more effective, ethical, and efficient federal government.

### **Rein In Faltering Programs by Reforming the Nunn-McCurdy Act**

Since it was passed in 1982, the Nunn-McCurdy Act has helped Congress oversee major defense acquisition programs (MDAPs) by requiring the Defense Department to notify Congress when they exceed their budgets, and to either cancel them or restructure and recertify them. Unfortunately, these restructurings are left up to the Defense Department and may not be appropriately thorough. For example, despite the restructuring of the Sentinel program in 2024, the GAO reported in September 2025 that "Critical Risks" remain for the program and need to be addressed.<sup>1</sup>

The FY2027 NDAA should follow through on the bill by Representatives Garamendi and Gimenez (later incorporated as Sec. 806 of the House's FY2026 NDAA bill) to require shorter reporting times, inclusion of sustainment costs, and that programs be reauthorized by Congress upon their second Nunn-McCurdy critical breach.<sup>2</sup>

More information is available at [POGO.org](https://www.pogo.org).<sup>3</sup>

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<sup>1</sup> Government Accountability Office, *ICBM modernization: Air Force Actions Needed to Expediently Address Critical Risks to Sentinel Transition*, GAO-25-108466 (2025), 27, <https://www.gao.gov/assets/gao-25-108466.pdf>.

<sup>2</sup> To amend title 10 to shorten breach reporting timelines, increase program transparency, and improve congressional oversight of Department of Defense cost overruns with respect to the cost growth for major systems, and other purposes, H.R. 4372, 119<sup>th</sup> Cong. (2025), <https://www.congress.gov/bill/119th-congress/house-bill/4372?q=%7B%22search%22%3A%22H.R.+4372%22%7D&s=1&r=1>; National Defense Authorization Act for Fiscal Year 2026, H.R. 3838, 119<sup>th</sup> Cong. § 806 (2025), <https://www.congress.gov/bill/119th-congress/house-bill/3838/text>.

<sup>3</sup> "Nunn-McCurdy," Project On Government Oversight, accessed February 18, 2026, <https://www.pogo.org/search?q=%22Nunn-McCurdy%22>.

## **Address Long-Outstanding Critical Recommendations by GAO for Shipbuilding and Other Areas**

In addition to reports generated by the Pentagon and its inspector general staff, Congress has access to its own investigators in the form of the Government Accountability Office (GAO), which, as of this month, has over 1,300 open recommendations just for the Defense Department, 74 of which are critical, and some of which have been outstanding for over a decade.<sup>4</sup>

A telling example is the recommendation that the Defense Department, “Develop a comprehensive plan for shipyard capital investment,” which has been outstanding since September 2017.<sup>5</sup> While the President’s Maritime Action Plan and the House’s SHIPS for America Act of 2025 are important steps, they both begin with finishing the basic analysis the GAO has been recommending since the start of the first Trump administration.<sup>6</sup> Congress should insist that the Department of Defense provide this analysis as part of their now overdue budget submission.

## **Strengthen the Military’s Right to Repair Its Own Equipment**

While last year’s NDAA did include a section designed to increase warfighters’ access to technical data needed to repair their equipment, it falls far short of the comprehensive measures required to ensure service members have all the tools, data, and parts they need to repair their equipment contained in Section 836 of the Senate version of the bill.<sup>7</sup> No one wants our people in uniform to find themselves in harm’s way without the tools, parts, manuals, *and experience* they need to repair their equipment. Nor do we want our contractors to receive anything other than a fair price for these materials, as this measure requires.

More information is available at [POGO.org](https://www.pogo.org).<sup>8</sup>

## **Strengthen the Truth in Negotiations Act**

While there is widespread agreement that competition should be used whenever possible to lower prices and increase quality, the Pentagon often only receives one bid. The Truth in Negotiations Act protects taxpayers by requiring contractors to provide information about their costs. The Stop Pentagon Price Gouging Act, as introduced in the House and Senate in 2023, clarifies the definition of competitive

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<sup>4</sup> These numbers are based on the total number of open recommendations for the Department of Defense and all of its components, accessed via the Government Accountability Office’s dataset “with subgroups,” <https://www.gao.gov/reports-testimonies/recommendations-database>.

<sup>5</sup> Government Accountability Office, *Naval Shipyards: Actions Needed to Improve Poor Conditions that Affect Operations*, GAO-17-548 (2017), 39, <https://www.gao.gov/assets/gao-17-548.pdf>.

<sup>6</sup> White House, *America’s Maritime Action Plan*, February 2026, <https://www.whitehouse.gov/wp-content/uploads/2026/02/Restoring-Americas-Maritime-Dominance.pdf>; SHIPS for America Act of 2025, H.R. 3151, 119<sup>th</sup> Cong. (2026), <https://www.congress.gov/bill/119th-congress/house-bill/3151>.

<sup>7</sup> National Defense Authorization Act for Fiscal Year 2026, S. 1071, 119<sup>th</sup> Cong. § 805 (2025), <https://www.congress.gov/bill/119th-congress/senate-bill/1071/text?s=9&r=2&q=%7B%22search%22%3A%22National+Defense+Authorization+Act%22%7D>; National Defense Authorization Act for Fiscal Year 2026, S. 2296, 119<sup>th</sup> Cong. § 836, <https://www.govinfo.gov/content/pkg/BILLS-119s2296rs/pdf/BILLS-119s2296rs.pdf>.

<sup>8</sup> “Right to Repair,” Project On Government Oversight, accessed on February 18, 2026, <https://www.pogo.org/search?q=%22right%20to%20repair>.

bids and offers incentives for contractors to provide required information in a timely manner.<sup>9</sup> We urge you to make this language part of the FY2027 NDAA.

### **Illuminate and Limit Conflicts of Interest**

Last year brought many people from private industry into government. While this injection of new ideas may have been valuable in many cases, it raised questions of potential conflicts of interest and accountability, especially around Special Government Employees (SGEs). In order for Congress to effectively oversee SGEs, we encourage you to include in the NDAA language from the following bills:

- The Special Government Employees Transparency Act of 2025 would place limits on how long individuals can serve as SGEs and create a public database to track their employment.<sup>10</sup>
- The SGE Ethics Enforcement Reform Act of 2025 would prohibit SGEs who work for large federal contractors from communicating with agencies with whom their employers have contracts and establish a public database of those SGEs.<sup>11</sup>
- The Employee Limits ON Profiteering Act would prohibit the government from awarding contracts to SGEs, their close relatives, or companies they control.<sup>12</sup>

### **Require Justification for Firing General Officers**

As a number of you have expressed in a letter to Secretary of Defense Hegseth, the firings of numerous senior military officers raise questions to which Congress deserves answers.<sup>13</sup> We encourage you to amend 10 U.S.C. § 601 to require notification and justification for relieving any person from a “position of responsibility.” We would be happy to provide example statutory language.

More information on general officer firings is available at [POGO.org](https://www.pogo.org).<sup>14</sup>

### **Reassert Congress’s Authority Over Waging War**

Given the ambiguity of the legal basis for recent military actions in and around Iran and Venezuela, and to reinforce Congress’s role in authorizing the use of force, we recommend Congress reassert its role in determining when we go to war by including the following in this year’s NDAA:

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<sup>9</sup> Stop Pentagon Price Gouging Act, H.R. 4409 (2023), <https://www.congress.gov/bill/118th-congress/house-bill/4409>; Stop Pentagon Price Gouging Act, S. 2049 (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/2049>.

<sup>10</sup> Special Government Employees Transparency Act of 2025, S. 1196 (2025), <https://www.congress.gov/bill/119th-congress/senate-bill/1196/text>.

<sup>11</sup> SGE Ethics Enforcement Reform Act of 2025, S. 1491 (2025), <https://www.congress.gov/bill/119th-congress/senate-bill/1491/text>.

<sup>12</sup> Employee Limits ON Profiteering Act, H.R. 2824 (2025), <https://www.congress.gov/bill/119th-congress/house-bill/2824/text>.

<sup>13</sup> Letter from Seth Moulton, Don Bacon, Chrissy Houlahan, Jason Crow, Mikie Sherrill, and Jared Golden, Members of Congress, to Peter B. Hegseth, Secretary of Defense, February 21, 2025, <https://www.politico.com/f/?id=00000195-28ed-d4bf-a9b7-f8fd8a9f0000>.

<sup>14</sup> Virginia Burger, “Increasing Oversight of the Relief of Military Leaders,” Project On Government Oversight, accessed February 18, 2026, <https://www.pogo.org/analyses/increasing-oversight-of-the-relief-of-military-leaders>.

- Language from the National Security Powers Act or National Security Reforms and Accountability Act clarifying how the president can engage military forces under the War Powers Act, and increasing the reporting required when they do.<sup>15</sup>
- Repeal of the Authorization for Use of Military Force (AUMF) of September 18, 2001. This authorized military action against entities that “planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.”<sup>16</sup> Leaving such a loosely defined authorization in place creates unnecessary legal ambiguity and dilutes Congress’s power.

More information on war powers is available at [POGO.org](https://www.pogo.org).<sup>17</sup>

### **Clarify the Process for Handling Allegedly Unlawful Orders**

It is already clear that U.S. service members and others who take the oath of office are required to refuse orders they believe to be unlawful.<sup>18</sup> It is nevertheless perilous for commanding officers and those they command when they disagree on what is and is not a lawful order. Military units are vulnerable to disruption, and those who refuse such orders can be victims of intentional and unintentional discrimination. Such cases should be removed from the chain of command to protect against both. This could be achieved using the same special trial counsel system used to adjudicate cases of sexual harassment and assault.<sup>19</sup> Again, we would be happy to provide example statutory language to achieve this goal.

More information on unlawful orders is available at [POGO.org](https://www.pogo.org).<sup>20</sup>

We appreciate your taking the time to consider these recommendations for creating a more accountable, effective, and efficient Department of Defense and a stronger Congress through this year’s NDAA.

Sincerely,



Greg Williams  
 Director, Center for Defense Information  
 Project On Government Oversight

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<sup>15</sup> National Security Powers Act of 2021, S. 2391 (2021), <https://www.congress.gov/bill/117th-congress/senate-bill/2391>; National Security Reforms and Accountability Act, H.R. 4928 (2023), <https://www.congress.gov/bill/118th-congress/house-bill/4928>.

<sup>16</sup> Authorization for Use of Military Force, Pub. Law No.107-40, 115 Stat. 224, (2001), <https://www.congress.gov/107/plaws/publ40/PLAW-107publ40.pdf>.

<sup>17</sup> “War Powers,” Project On Government Oversight, accessed February 19, 2026, <https://www.pogo.org/search?tag%5B0%5D=War%20Powers>.

<sup>18</sup> 5 U.S.C. § 3331 (2025), <https://www.law.cornell.edu/uscode/text/5/3331>; Virginia Burger, “Military Oaths and Unlawful Orders,” Project On Government Oversight, November 21, 2025, <https://www.pogo.org/analysis/military-oaths-and-unlawful-orders>.

<sup>19</sup> 10 U.S.C. § 824a (2025), <https://www.law.cornell.edu/uscode/text/10/824a>.

<sup>20</sup> “Unlawful Orders,” Project On Government Oversight, accessed February 18, 2026, <https://www.pogo.org/search?q=unlawful%20orders>.

cc:

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Senator Deb Fischer  
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