



September 7, 2017

The Honorable John McCain
Chairman
Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Mac Thornberry
Chairman
House Committee on Armed Services
2120 Rayburn House Office Building
Washington, DC 20515

The Honorable Jack Reed
Ranking Member
Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Adam Smith
Ranking Member
House Committee on Armed Services
2120 Rayburn House Office Building
Washington, DC 20515

Dear Chairmen and Ranking Members:

The Project On Government Oversight (POGO) has spent over 35 years investigating waste, mismanagement, and abuse in the Department of Defense's (DoD's) weapons acquisition system. We applaud your committees' oversight and legislative work to reform this deeply troubled system, but are concerned about provisions in the House's version of the National Defense Authorization Act for Fiscal Year 2018 that would undermine the ability of Congress and Pentagon officials to assess the combat suitability of new weapon systems.

One of the fundamental questions to answer before deciding to procure a new weapon system is whether that system is more combat-capable than those it is replacing. As your committees know, these new systems are almost always considerably more expensive, making it crucial to have independent and combat-realistic test evidence for assessing whether the military and taxpayers are getting bang for their buck. This includes assessing whether or not there is an actual gain in capability over legacy systems, and, if so, whether that gain is worth the extra cost and additional logistic and maintenance burdens.

As mandated by Congress in 1983, the Director of Operational Test and Evaluation (DOT&E) conducts a number of essential activities for Congress and the Secretary of Defense. The office sets policies and procedures for realistic operational testing of weapons and objective evaluation by the Services' operational tests; independently plans those operational tests; and—perhaps most importantly—provides objective, unvarnished reporting to both Congress and the Secretary of Defense on the results and implications of those tests as to the combat suitability of each major acquisition program.

A key part of that reporting is realistic comparative testing against legacy systems, and we are glad language in the House bill continues to recognize the importance of that comparative testing. However, we are concerned language in Section 833 improperly restricts DOT&E's ability to include a comparison of capability to legacy systems only “if such items or components exist and relevant data are available without requiring additional testing.”

This language presents several problems for effective Congressional and executive oversight. First, the validity of any comparison to legacy systems' capabilities depends on truly head-to-head comparative field testing rather than on-paper analysis of available “relevant data.” This means valid comparative assessments of capability inherently require additional testing. If Pentagon officials and Congress want to make sound decisions about replacing legacy systems, this testing is essential and rarely costly.¹

Second, the new language is also troubling because its immediate effect would be to undermine previous Congressional legislation prohibiting the retirement of any additional A-10s until the currently planned operational testing of the F-35 versus A-10 close support capabilities is complete.² This language would potentially allow the Air Force to skip this testing entirely, exacerbating ongoing attempts to delay or avoid this crucial test and circumventing the

¹ Numerous reports refute the alleged costs of operational testing. Director of Operation Test and Evaluation, “FY 14 Introduction,” *FY 14 Annual Report*, p. 2. <http://www.dote.osd.mil/pub/reports/FY2014/pdf/other/2014dirintro.pdf> (This joint study by the Under Secretary of Acquisition, Technology and Logistics and DOT&E also found that the “least common reason for a delay was a problem associated with test conduct”); Government Accountability Office, *DOD Operational Testing: Oversight Has Resulted in Few Significant Disputes and Limited Program Cost and Schedule Increases*, June 2, 2015. <http://www.gao.gov/assets/680/670565.pdf>

² National Defense Authorization Act for Fiscal Year 2017 (Public Law 144-32), Sec. 134. <https://www.congress.gov/114/bills/s2943/BILLS-114s2943enr.pdf>

Congressional mandate to maintain 171 A-10s in combat-coded status. Air Force leadership has already told Congress it is retiring three squadrons of A-10s despite the mandate, and is also underfunding the repairs and maintenance needed to comply with the 171 combat-ready force requirement.³

Before we send our soldiers, Marines, airmen, and sailors into combat, we should know that their weapons will work in the chaos and stress they will face. Weakening DOT&E's role will protect un-tested, problem-ridden weapons that will fail in combat and cost lives in warfare, most particularly in the area of close support of our ground troops. We must not let our troops down just because someone in the Pentagon or in industry doesn't want life-threatening problems tested, exposed, reported, and fixed.

Sincerely,



Danielle Brian
Executive Director

³ Dan Grazier and Mandy Smithberger, "Air Force Headquarters Starving A-10 Squadrons (Again)," Straus Military Reform Project, June 16, 2017. <http://www.pogo.org/straus/issues/weapons/2017/air-force-headquarters-starving-a-10-squadrons-again.html>