September 5, 2018

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) weapons acquisition system. We recently came into the possession of a document showing how the Joint Strike Fighter Program is dealing with potentially life-threatening design flaws on the F-35 in an attempt to mislead you and the American people. We urge you to request more information from the Pentagon about how the program is handling deficiencies. Additional funding for the program, including appropriating F-35 production beyond the Pentagon’s request and any further reprogramming requests, should be contingent upon correcting these deficiencies. Any additional airframes purchased now would be riddled with these and other design flaws that would need to be retrofitted later at additional taxpayer expense.

The document shows that instead of correcting these design deficiencies, the program has chosen to simply alter paperwork to make them appear less serious than they really are.1 The meeting

notes of the June 4, 2018 Joint Strike Fighter Program Office Deficiency Review Board meeting show the Board downgraded 19 serious (Category I) deficiencies to the less-serious Category II, including 10 with no plan in place to correct the known design flaws. Several of these flaws, like the lack of any means for a pilot to confirm a weapon’s target data before firing, and damage to the plane caused by the tailhook on the Air Force’s variant, have potentially serious implications for safety and combat effectiveness. In addition to these deficiencies, we remain concerned about how the program will address 90 other Category I deficiencies the Government Accountability Office reported on in its June 2018 report.²

The arbitrary fashion in which these deficiencies are being treated now stands in stark contrast with how they were first identified. The testing engineers evaluating the F-35 flight tests identify design flaws and determine their severity based on the potential impact on safety and mission effectiveness and recommend a categorization level. The testing agencies, the services, and the F-35 program office then review these recommendations to arrive at agreed-upon categorization levels, which are then entered into the formal reporting system as deficiency reports.

Per Air Force regulations, Category I deficiencies “require the immediate attention and response of the system Program Manager and Chief/Lead Engineer to mitigate risk and/or limit/resolve mission impact.”³ The Department of Defense’s acquisition regulations state that all critical deficiencies must be resolved before a program can proceed beyond low-rate initial production unless the official with milestone decision authority approves a deviation.⁴

Design flaws serious enough to be classified as Category I threaten a program’s entry into initial operational test & evaluation because each deficiency becomes one more issue that could keep an aircraft grounded or force the pilot to abort a mission. This would then delay the director, operational test & evaluation from analyzing the testing data and submitting the final assessment. According to federal law, full-rate production cannot begin until a report from the DOT&E stating “whether the results of such test and evaluation confirm that the items or components actually tested are effective and suitable for combat” has been submitted to the secretary of defense and Congress.

It is our belief that program leaders are doing this to mislead Congress and the public that they have successfully completed the F-35’s development phase and that any remaining problems are minor ones they will fix later. They know that further delays in the program threaten the services’ plans to proceed with full-rate production next year.

We believe it is important for you to understand how this process is unfolding so that you can make the best decisions possible for the men and women who will have to trust their lives to this

aircraft and for the taxpayers footing the bill. We appreciate your consideration of our concerns and welcome an opportunity to meet with you or your staff to discuss these matters further.

Sincerely,

Danielle Brian
Executive Director