

February 9, 2022

The Honorable Nickolas H. Guertin
Director, Operational Test & Evaluation
1700 Defense Pentagon
Washington, DC 20301

Dear Director Guertin:

We, the undersigned organizations, are deeply troubled by the lack of transparency in the 2021 annual weapons testing report. We are an ideologically diverse group focused variously on government accountability, transparency, and taxpayer protection. The designation of many of your office's critical findings as controlled unclassified information (CUI) significantly dilutes this year's annual weapons testing report by withholding information from the public about how the weapons they pay for actually perform. We ask that you make public all unclassified information in this year's report, and resume the practice of writing only the unclassified and classified versions of the report going forward.

Congress created the office of the Director of Operational Test & Evaluation to bolster its ability to exercise its oversight duties. The director's annual report provides lawmakers with the data and analysis needed to ensure the DOD's largest acquisition programs are effective in combat and suitable in the hands of the troops. The report is a critical oversight tool for Congress, due in large part to its public accessibility. Members of Congress, their staff, and the American people access the report to learn more about where their tax dollars are going and why. This year, however, the designation of the report's key details as controlled unclassified information strips significant value from the public version of the report by omitting critical details regarding the performance of the Pentagon's most expensive weapon systems. The public version of the report redacts information about 22 different major acquisition programs, denying constituents and taxpayers the right to hold Congress accountable to their oversight duties.¹

Equally concerning is the lack of clarity on why the controlled unclassified information designation is necessary now, after over 30 years of annual reporting by the Director of Operational Test & Evaluation. Federal law already provides the director with the means of transmitting to Congress and the Secretary of Defense, through a classified annex of the annual report, sensitive information that could be exploited by a potential adversary. Inconvenient information that may call into question a weapon's effectiveness or suitability, however, does not rise to this level.

We are gravely concerned that the purpose of the controlled unclassified information designation in this year's report is to obfuscate important details about the shortcomings and failures of the DOD's most expensive weapon systems. Public access to such information is vital to ensuring that our military's weapons are effective and safe. We urge you to cease the practice of

¹ Valerie Insinna, "New Pentagon report censors details on weapons programs' performance, flaws," *Breaking Defense*, January 28, 2022, <https://breakingdefense.com/2022/01/new-pentagon-report-censors-details-on-weapons-programs-performance-flaws/>.

producing controlled unclassified information annexes and include all unclassified information in the publicly released version of your annual report.

Sincerely,

CODEPINK

Defending Rights & Dissent

Digital Democracy Project

Government Information Watch

National Security Archive

National Taxpayers Union

OpenSecrets

Open The Government

Project On Government Oversight

Quincy Institute for Responsible Statecraft

R Street Institute

Taxpayers for Common Sense

cc: The Honorable Lloyd J. Austin, Secretary, U.S. Department of Defense