

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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April 8, 2021

The Honorable Lloyd J. Austin III
Secretary
Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Austin:

We write to encourage the Department of Defense (DOD) to expand public access to information. After four years of defying democratic norms and resisting congressional oversight under the Trump administration, the Pentagon now has an important opportunity to begin to repair its damaged relationship with Congress and the American people.¹

Specifically, we request that DOD resume publishing the number of U.S. military personnel deployed to Afghanistan, Iraq, and Syria; declassify or otherwise make available for public release Afghan National Defense and Security Forces (ANDSF) performance metrics that were previously classified by the Trump administration; improve compliance with statutory reporting requirements; and expand public access to unclassified DOD reports.

We recognize that as the incoming Secretary of Defense, you have inherited several urgent institutional crises, ranging from the growing threat of violent extremism to eliminating the scourge of sexual assault and harassment within the military's ranks. We appreciate the leadership you have already demonstrated to address these and other pressing challenges with significant ramifications for the readiness of our armed forces.²

It is important for the department to restore its commitment to transparency and congressional oversight. The Trump administration systematically rejected these democratic

¹ *The Pentagon's Getting More Secretive—and It's Hurting National Security*, DefenseOne (Oct. 28, 2018) (online at www.defenseone.com/ideas/2018/10/pentagons-getting-more-secretive-and-its-hurting-national-security/152345/).

² Department of Defense, *Press Release: DOD Stand-Down to Address Extremism in the Ranks* (Feb. 5, 2021) (online at www.defense.gov/Newsroom/Releases/Release/Article/2495924/dod-stand-down-to-address-extremism-in-the-ranks/); Department of Defense, *Immediate Actions to Counter Sexual Assault and Harassment and the Establishment of a 90-Day Independent Review Commission on Sexual Assault in the Military* (Feb. 26, 2021) (online at <https://media.defense.gov/2021/Feb/26/2002590163/-1/-1/0/APPROVAL-OF-MEMO-DIRECTING-IMMEDIATE-ACTIONS-TO-COUNTER-SEXUAL-ASSAULT-AND-HARASSMENT.PDF>).

norms and undermined the ability of the American people and their elected representatives in Congress to conduct oversight of Pentagon operations.

For example, in 2017, DOD began to classify or withhold previously public information related to the U.S. mission in Afghanistan and support for the ANDSF. According to the Special Inspector General for Afghanistan Reconstruction (SIGAR), these data included critical performance metrics about the strength and readiness of the ANDSF, district-by-district assessments of Taliban influence and territorial control, and statistics related to the number of enemy-initiated attacks and effective enemy-initiated attacks in Afghanistan.³

The following year, the Trump administration began to withhold information from public release related to the number of U.S. troops in Afghanistan, Iraq, and Syria.⁴ DOD also repeatedly failed to meet mandated reporting requirements during the Trump administration. This led the House Committee on Appropriations to conclude that DOD held a “dismissive attitude toward oversight” and showed that “the [department’s] contravention of the constitutional authority of the United States Congress has now become habitual.”⁵

At a time when public trust in the U.S. military has diminished, we believe that DOD has an important opportunity under your leadership to begin to rebuild its relationship with Congress and the American people.⁶ We appreciate that during your confirmation hearing, you noted that “public transparency regarding military operations and the civilian leadership’s decision making on defense matters is critical to ensuring our defense policies are accountable to the American people.”⁷ You also assured the Senate that under your leadership, DOD would respect Congress’s constitutional oversight role and “be forthcoming and transparent.”⁸

³ Letter from Chairman Stephen F. Lynch, Subcommittee on National Security, and Chairman Gerald E. Connolly, Subcommittee on Government Operations, to Secretary Mark T. Esper, Department of Defense (May 6, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-05-06.SFL%20GEC%20to%20Esper-%20DOD%20re%20Afghanistan%20Classification.pdf>).

⁴ *Pentagon Strips Iraq, Afghanistan, Syria Troop Numbers From Web*, Military Times (Apr. 9, 2018) (online at www.militarytimes.com/news/your-military/2018/04/09/dod-strips-iraq-afghanistan-syria-troop-numbers-from-web/).

⁵ Committee on Appropriations, *Report of the Committee on Appropriations, Department of Defense Appropriations Bill*, 116th Cong. (online at www.govinfo.gov/content/pkg/CRPT-116hrpt453/pdf/CRPT-116hrpt453.pdf).

⁶ Ronald Reagan Institute, *Reagan National Defense Survey* (Feb. 2021) (online at www.reaganfoundation.org/media/356700/2021-rr-i-survey-summary.pdf).

⁷ *Just Security Obtains Overseas Troop Counts That the Pentagon Concealed from the Public*, Just Security (Mar. 4, 2021) (online at www.justsecurity.org/75124/just-security-obtains-overseas-troop-counts-that-the-pentagon-concealed-from-the-public/).

⁸ Senate Committee on Armed Services, Testimony of Lloyd J. Austin III, *Hearing to Examine the Expected Nomination of Lloyd J. Austin III to Be Secretary of Defense* (Jan. 19, 2021) (online at www.armed-services.senate.gov/imo/media/doc/Austin_01-19-21.pdf).

We welcome these commitments and look forward to working with you to ensure the department meets the highest standards of transparency and democratic accountability, while judiciously protecting sensitive and classified information. To that end, we encourage DOD to:

1. Restore public access to information related to the number of U.S. military personnel currently and previously deployed to Afghanistan, Iraq, and Syria, as required by the fiscal year 2019 National Defense Authorization Act;⁹
2. Restore public access to data about the U.S. war in Afghanistan, including information that SIGAR has previously identified as unclassified.¹⁰ This should include performance metrics about the strength and readiness of the ANDSF, district-level assessments of Taliban influence and territorial control, and statistics related to the number of enemy-initiated attacks; and
3. Comply with statutory reporting requirements to the greatest extent possible as prescribed by law, and increase public access to unclassified, congressionally mandated reports. Under current law, DOD has broad discretion to release such reports, which are created at taxpayer expense and concern not only national security but also law enforcement, medical care for military families, and countless other issues of importance to the public.

In a February 4, 2021, memorandum, President Biden stated that “[t]he revitalization of our national security and foreign policy workforce requires a recommitment to the highest standards of transparency.”¹¹ By implementing these and other measures, DOD can assist the President in meeting this goal, make a clean break from the damaging policies of the Trump administration, and begin to repair the public’s trust in the department and our armed services.

We thank you for your attention to these important matters.

⁹ Pub. L. No. 115–232 (2018).

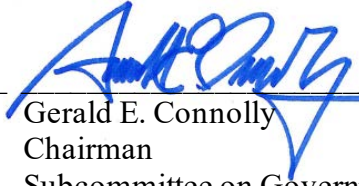
¹⁰ Letter from Chairman Stephen F. Lynch, Subcommittee on National Security, and Chairman Gerald E. Connolly, Subcommittee on Government Operations, to Secretary Mark T. Esper, Department of Defense (May 6, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-05-06.SFL%20GEC%20to%20Esper-%20DOD%20re%20Afghanistan%20Classification.pdf>).

¹¹ White House, *Memorandum on Revitalizing America’s Foreign Policy and National Security Workforce, Institutions, and Partnerships* (Feb. 4, 2021) (online at www.whitehouse.gov/briefing-room/presidential-actions/2021/02/04/memorandum-revitalizing-americas-foreign-policy-and-national-security-workforce-institutions-and-partnerships/).

Sincerely,



Stephen F. Lynch
Chairman
Subcommittee on
National Security



Gerald E. Connolly
Chairman
Subcommittee on Government
Operations



Katie Porter
Member of Congress

cc: The Honorable Glenn Grothman, Ranking Member
Subcommittee on National Security

The Honorable Jody Hice, Ranking Member
Subcommittee on Government Operations