

JAMES LANKFORD  
OKLAHOMA

COMMITTEES:  
FINANCE  
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GOVERNMENTAL AFFAIRS

**United States Senate**  
WASHINGTON, DC 20510-1904

WASHINGTON, DC OFFICE  
316 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-5754  
OKLAHOMA CITY OFFICE  
1015 NORTH BROADWAY AVENUE, SUITE 210  
OKLAHOMA CITY, OK 73102  
(405) 231-4941  
TULSA OFFICE  
401 SOUTH BOSTON AVENUE, SUITE 2150  
TULSA, OK 74103  
(918) 581-7651

March 26, 2021

The Honorable Lloyd J. Austin  
Secretary of Defense  
United States Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301

Dear Secretary Austin:

I am writing to bring to your attention the pace at which the Department of Defense (DOD) is working to remove Turkey from the supply chain of the F-35 Lighting II Joint Strike Fighter. As you know, the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116-92) prohibits Turkey from providing any “material support necessary for, or related to, any maintenance or support of the F-35 aircraft.” While you and Secretary Blinken have made efforts to ensure the security of the F-35 program and encourage Turkey to divest of the S-400, including at the NATO Foreign Ministerial last week, Turkish manufacturers are still producing and delivering key components of the aircraft despite the statutory prohibition on such participation in the manufacturing line.

Having followed this situation for the better part of three years and received unsatisfactory answers from DOD officials, I am concerned by the Pentagon’s continued evasiveness and lack of urgency on this issue. I encourage you to accelerate the process to ensure Turkey’s prompt removal from the F-35 supply chain.

Like you, I am deeply concerned about U.S.-Turkey relations and the direction Turkey is taking under President Erdogan’s leadership. From human rights violations in Syria to arbitrary arrests of Americans in Ankara to defense cooperation with Russia, Turkey is not behaving like a responsible actor or working collaboratively at the level we expect from a NATO ally.

These concerns have compelled me to introduce several bills in recent years aimed at ensuring appropriate consequences for Turkey’s behavior. On April 26, 2018, I introduced a bill to prevent the transfer of the F-35 Joint Strike Fighter aircraft to Turkey.<sup>1</sup> Later that year, I authored a provision in the FY2019 National Defense Authorization Act that directed the Department to develop a plan for removing Turkey from participation in the F-35 program. On March 29, 2019, I introduced a bill to prohibit the transfer of F-35 Joint Strike Fighter aircraft to Turkey until the United States certifies that Turkey would not purchase Russian S-400 air

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<sup>1</sup> <https://www.congress.gov/bill/115th-congress/senate-bill/2781>

defense system<sup>2</sup>, which was ultimately included in the FY2020 National Defense Authorization Act.<sup>3</sup> I was pleased that Acting Secretary Patrick Shanahan announced July 31, 2019 as the date of Turkey’s suspension from the F-35 program, with the intention to complete the supply chain transition by early 2020.<sup>4</sup>

In June 7, 2019, Under Secretary Ellen Lord said the Department would be pursuing “a very disciplined and graceful wind-down” of Turkey’s participation in the program “in early 2020.”<sup>5</sup> As evidenced by the delays, the wind-down has been neither disciplined nor punctual. The Department’s postponements of this expulsion has undermined the effectiveness of our clear national message to the Turks on this matter.

Unfortunately, the Pentagon announced in January 2020 that Turkey would continue to manufacture some components of the F-35 supply chain well past the March 2020 deadline that was previously set.<sup>6</sup> Turkey’s leadership has taken note of this delay, as evidenced by Defense Industry Director Ismail Demir’s statement on May 7, 2020: “There was an understanding in the United States that nothing would be bought from Turkey for the F-35s after March 2020, but that approach is no longer there. Our companies continue their production and delivery.”<sup>7</sup>

On February 21, 2020, a Contracting Officer for the F-35 Joint Program Office informed Lockheed Martin “that it may continue receiving and utilizing deliveries necessary to complete Lot 12-14 requirements, as well as other awarded F-35 contracts that have been issued for development, sustainment and, with the exception of the Lot 15 Advance Acquisition Contract, production requirements.” This notification expressly allowed Lockheed Martin to continue making new purchase orders up until March 31, 2020. Fulfilling Lots 12-14 requirements would mean a final exit from Turkey would not occur until September 2022—more than two years after the original deadline expressed by DOD.

Congress has always understood that removing Turkey from the supply chain would create additional expense for the Department and the taxpayers. However, this financial disruption is necessary in order to preserve the integrity of the program and affirm our nation’s diplomatic commitments under NATO. To aid the Department in this transition, Congress included a provision in the NDAA authorizing an additional \$30 million of FY 2020 funds in order to “terminate Turkey’s status as a member of the F-35 program.” Additionally, the FY 2020 appropriations legislation directed the Department towards a funding source of \$250.4 million “in order to fund the alternate sourcing of F-35 parts manufactured in the Republic of Turkey.”<sup>8</sup> Even in the Government Accountability Office’s (GAO) most recent report on the F-35, they

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<sup>2</sup> <https://www.congress.gov/bill/116th-congress/senate-bill/922>

<sup>3</sup> <https://www.congress.gov/bill/116th-congress/senate-bill/1790>

<sup>4</sup> <https://www.defense.gov/Explore/News/Article/Article/1870207/dod-sets-date-to-begin-unwinding-turkey-from-f-35-program/>

<sup>5</sup> <https://www.defense.gov/Newsroom/Transcripts/Transcript/Article/1870286/department-of-defense-off-camera-press-briefing-on-turkeys-participation-in-the/>

<sup>6</sup> <https://www.defenseone.com/politics/2020/01/turkey-will-make-f-35-parts-longer-anticipated/162426/>

<sup>7</sup> <https://www.reuters.com/article/us-usa-turkey-defence/turkey-says-it-is-still-delivering-parts-for-u-s-f-35-jets-idUSKBN22J1Y7>

<sup>8</sup> <https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/HR%201158%20-%20Division%20A%20-%20Defense%20SOM%20FY20.pdf>

state that the cost to establish alternative suppliers is estimated to be \$108 million—well within the allocated amount from Congress.<sup>9</sup> Therefore, Congress has done everything possible to put DOD in a position to overcome potential challenges and ensure Congressional intent is upheld.

According to the GAO report released this March, the F-35 program has “identified alternative suppliers for all 1,005 parts.” The report also indicated that “95 percent of aircraft and 76 percent of propulsion parts are qualified from the new sources” and the rest are in the qualification process.<sup>10</sup> In addition, I was made aware that existing subcontractors possess the capacity to double current production immediately, which suggests that standing up an adequate supply chain would take less time than GAO and the Pentagon have predicted. Given these developments—and what is now a relatively minor cost to remove Turkey from the F-35 supply chain—there is no valid excuse for DOD’s continued intransigence and delays.

The legislation passed by Congress and signed into law by President Trump sent a clear diplomatic message to Turkey about the consequences of moving forward with Russian defense systems and technology. Unfortunately, that strong message is being undermined by the Department’s repeated delays in removing Turkey from the supply chain. By keeping Turkish manufacturers in the supply chain nearly three years after the initial statute took effect and well beyond the Pentagon’s self-imposed deadline, the Department is undercutting U.S. efforts to pressure Turkey to reverse course.

Based on recent revelations, it is clear that the Pentagon has not followed its own timeline or the intent of Congress in this matter. It is clear from these statutes that Congress intended for this transition to take place in months, not years. Furthermore, the plan submitted by the former Secretary of Defense outlined a full detachment by the end of 2019.

I have been impressed by the Biden Administration’s tough stance towards Turkey for its purchase of the S-400, and I supported the previous Administration’s decision to impose sanctions against Turkey under the Countering America’s Adversaries Through Sanctions Act (CAATSA) (P.L. 115-44; 22 USC 9525) for its engagement in this statutorily-defined “significant transaction” with the Russian Federation.<sup>11</sup> I also supported the Department’s swift action to ensure no F-35 aircraft are operating in Turkey. Nevertheless, I remain concerned about the delays to the supply chain transition and urge you to accelerate the process of removing all Turkish manufacturers in compliance with P.L. 116-92.

The slow Pentagon removal of Turkey from the F-35 supply chain is sending the wrong message to nations like India who are exploring similar procurement opportunities with Russia. As you noted on your recent trip to New Delhi, the United States must continue to urge “our allies and partners to move away from Russian equipment.”<sup>12</sup> But if we refrain from holding Turkey fully accountable for its S-400 purchase by allowing them to continue producing parts, we will signal to India and other partners that such behavior is permissible, or at least, will not have

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<sup>9</sup> <https://www.gao.gov/assets/720/713140.pdf>

<sup>10</sup> <https://www.gao.gov/assets/720/713140.pdf>

<sup>11</sup> <https://www.bloomberg.com/news/articles/2020-03-10/u-s-envoy-says-turkey-still-risks-sanctions-on-russian-missiles>

<sup>12</sup> <https://www.politico.com/news/2021/03/20/lloyd-austin-india-sanctions-s400-missile-477304>

consequences. This will damage our efforts to discourage further military cooperation between our partners and Moscow.

I encourage you to expedite the Department's removal of Turkey from the F-35 program, which includes its manufacturing line, as required by law. I also urge you to investigate any confounding or obstructionist actions that contribute to these delays. Finally, I respectfully request to meet with you to discuss what actions will be taken to address this situation.

Thank you for your attention to this matter and I look forward to hearing from you.

In God We Trust,

A handwritten signature in black ink, appearing to read "James Lankford". The signature is stylized with large, sweeping loops and a long, trailing flourish at the end.

James Lankford  
United States Senator