

Congress of the United States
Washington, DC 20515

May 4, 2021

Sean O'Donnell
Acting Inspector General
Department of Defense – Office of Inspector General
4800 Mark Center Drive
Alexandria, VA 22350

Re: Amazon's Possible Anticompetitive Corruption of the JEDI Procurement Process

We have recently reviewed the Department of Defense (“DoD”) Office of the Inspector General (“DoD IG”) report on the Joint Enterprise Defense Infrastructure Cloud Procurement (“Report”). The DoD IG was tasked with investigating the extent to which illegal and undisclosed conflicts of interest on the part of senior DoD officials impacted the JEDI procurement.

Based on our reading of the Report, it seems that the DoD IG investigation confirmed the existence of these conflicts, and more. Further, facts contained in numerous press stories regarding the procurement are largely or entirely confirmed by the Report.¹ Conflicted officials clearly and repeatedly advocated on behalf of their former client to secure for it one of DoD's largest and most important information technology contracts.

The Report has now been issued and the DoD IG investigation is closed, yet this procurement remains highly controversial. For reasons I would like to understand for myself, the conclusions of the DoD IG seem to dismiss or otherwise condone conduct that appears to clearly violate numerous statutes. At a minimum it seems the facts create the appearance of impropriety.

Disclosures by senior officials appear to have been untimely and incomplete.² Clear instances requiring recusal seem to have been ignored.³ Conflicted officials were involved with shaping

¹ See generally, <https://dailycaller.com/2018/08/08/sally-donnelly-defense-department-jedi-cloud-amazon/>; <https://www.vanityfair.com/news/2018/08/has-bezos-become-more-powerful-in-dc-than-trump>; <https://www.propublica.org/article/how-amazon-and-silicon-valley-seduced-the-pentagon>; https://www.realclearinvestigations.com/articles/2021/02/23/60_years_after_eisenhowers_warning_distinct_signs_of_a_digital-intelligence_complex_127207.html;

² Rep. at 190-193.

³ Rep. at 174-175.

JEDI's structure.⁴ Government officials repeatedly provided preferential treatment to one bidder over others.⁵ And conflicted officials provided clear product advocacy.⁶

In what may be the most troubling oversight, the Report seems to establish all the predicate facts establishing a criminal conspiracy. A bidder has a prior commercial relationship with a government official in a position of authority.⁷ That government official is receiving periodic (and undisclosed) payments during the official's entire tenure in government service.⁸

Those payments are coming from an individual with an established commercial and personal relationship with one bidder.⁹ At the same time, that bidder is providing funding to the individual who is, in turn, making payments to the government official.¹⁰ And through all of this, the government official is taking action to benefit the bidder.¹¹ Yet, while all of these individual facts are confirmed by the Report, the Report fails to confront the obvious conclusion: laws were broken.

Ultimately, our ethics system relies in the first instance on self-disclosure and then on independent oversight, yet neither of those seem to have occurred in this matter. The taxpayer and the warfighter deserve an actual, meaningful engagement with the evidence and review of what occurred here.

Please provide our offices on an expedited basis the entire investigative file compiled by the DoD OIG and the Defense Criminal Investigative Service ("DCIS") relating to the investigation into conflicts of interest with the JEDI procurement, including but not limited to the following:

- All emails, communications, memoranda, or other documentary evidence relating to Secretary Mattis, Sally Donnelly, and Anthony DeMartino, and referencing either DoD cloud or JEDI, including but not limited to every email referenced, cited, or paraphrased in the Report;
- All investigative documentation relating to Amazon Vice President Teresa Carlson and Mr. Andre Pienaar;
- All witness statements, interview summaries, exhibits, notes, and transcripts;
- Any reports, writeups, summaries, or any other type of intermediate work product created in connection with the investigation;
- A list of personnel and contact information from the DCIS who conducted the hands-on investigation;
- Unredacted documents pertaining to any disciplinary actions taken in connection with this investigation.

⁴ Rep. at 155.

⁵ Rep. at 173-175; 184.

⁶ Rep. at 177.

⁷ Rep. at 189.

⁸ Rep. at 189-190.

⁹ Rep. at 190.

¹⁰ <https://dailycaller.com/2018/08/08/sally-donnely-defense-department-jedi-cloud-amazon/>

¹¹ Rep. at 173-175; 184.

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The Report notes that the IG collected gigabytes of emails and conducted dozens of witness interviews, so this information should be readily available. I look forward to your prompt cooperation so that my office can perform our important oversight function regarding this matter.

Sincerely,



Sen. Mike Lee
Ranking Member
Senate Judiciary Subcommittee on
Competition Policy, Antitrust, and
Consumer Rights



Rep. Ken Buck
Ranking Member
House Judiciary Subcommittee on
Antitrust, Commercial, and
Administrative Law