

# United States Senate

WASHINGTON, DC 20510

COMMITTEES:  
APPROPRIATIONS  
FOREIGN RELATIONS  
SELECT COMMITTEE ON INTELLIGENCE  
SMALL BUSINESS AND ENTREPRENEURSHIP  
SPECIAL COMMITTEE ON AGING

July 25, 2019

The Honorable Mark T. Esper  
Secretary of Defense  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301-1000

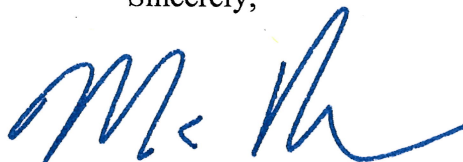
Dear Secretary Esper:

Congratulations on becoming the 27<sup>th</sup> Secretary of Defense of our great nation. I know you will serve this country honorably. Understanding that a recent decision by the Court of Federal Claims will allow the Joint Enterprise Defense Infrastructure (JEDI) cloud computing procurement program to proceed, it is my understanding that the Department of Defense (DoD) Inspector General (IG) is still investigating potential conflicts of interest. I am concerned that DoD will award JEDI before its own inspector general has finished its investigation of this matter.

For example, it has been reported that the JEDI contracting officer referred two DoD officials to the IG who did not properly recuse themselves from their applicable work while negotiating employment with a company bidding on JEDI. These officials were ultimately hired by this company. The contracting officer found that these two employees violated federal acquisition regulations that require avoiding even an appearance of impropriety in procurements.<sup>1</sup> Further, the contracting officer determined these individuals may have violated criminal statutes that make it an offense to “participate personally and substantially” in a procurement if a government employee is negotiating an employment arrangement related to that procurement.<sup>2</sup> Another DoD employee represented a bidding company before joining DoD, and did not properly recuse himself from the JEDI procurement.<sup>3</sup>

These admissions are highly concerning in a major procurement, which should proceed free of any bias or conflict. This is especially crucial given the size and projected duration of this contract, which is estimated at \$10 billion for 10 years. As such, I respectfully request that you commit to postponing any JEDI award until the IG’s investigation is complete and Congress can review its findings.

Sincerely,



Marco Rubio  
U.S. Senator

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<sup>1</sup> Court of Federal Claims, *Oracle America, Inc. v. the United States and Amazon Web Services, Inc.*, Supplemental Bid Protest Complaint, May 7, 2019, Pages 5, 13-16, 39-41.

<sup>2</sup> Id.

<sup>3</sup> Id.