



CONFIDENTIAL

January 24, 2025

VIA ELECTRONIC MAIL

The Honorable Chuck E. Grassley
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Re: Response to Ranking Member Grassley's December 17, 2024 Letter Regarding the Joint Enterprise Defense Infrastructure Cloud Contract

Dear Senator Grassley:

We write in response to your December 17, 2024 letter, which requests information from Amazon Web Services, Inc. ("AWS") regarding the Department of Defense's Joint Enterprise Defense Infrastructure ("JEDI") program. As you know, the DoD awarded JEDI to Microsoft Corporation more than five years ago before cancelling the program in mid-2021.

AWS appreciates your continued interest in improving the government procurement and contracting process. AWS has always advocated for free and open competition; we firmly believe that a competitive contracting environment helps the government receive the best products and services at the most competitive prices, ultimately benefiting taxpayers and furthering the interests of the public.

* * *

Your letter focuses on concerns relating to the competitive JEDI procurement, which has been subject to six reviews over the past six years.¹ AWS complied and cooperated with each investigation and its associated requests. The entities and tribunals that reviewed and rejected claims of impropriety surrounding the JEDI procurement process are as follows:

- JEDI contracting officer;
- Deputy Director for the Acquisition Directorate of DoD's Washington Headquarters Service;
- U.S. Government Accountability Office;²

¹ When DoD cancelled the JEDI procurement, DoD replaced it with a now-awarded multi-vendor indefinite delivery, indefinite quantity ("IDIQ") vehicle, known as the Joint Warfighting Cloud Capability ("JWCC") contract. AWS supports the DoD's decision to make JWCC a multi-award contract and believes that the JWCC contract is critical to DoD's adoption of much needed cloud capabilities.

² *Oracle America, Inc., B-416657 et al.*, Nov. 14, 2018, available [here](#).

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- U.S. Court of Federal Claims;³
- U.S. Court of Appeals for the Federal Circuit;⁴ and
- DoD Office of Inspector General (“OIG”).⁵

The OIG investigation is particularly relevant here. In 2020, the OIG issued a report analyzing the JEDI procurement, following a detailed investigation that spanned more than a year and considered four separate complaints by Oracle as well as congressional inquiries and other allegations. The OIG’s investigation specifically reviewed the concerns raised in your letter. The OIG conducted a robust investigation, one that included a multidisciplinary team of the OIG auditors, criminal and administrative investigators, defense acquisition professionals, and attorney advisors. The OIG examined more than 31 GBs of emails and 1 GB of relevant documents provided by DoD stakeholders, including memoranda, reports, financial disclosure forms, disqualification statements, ethics pledges and other ethics documents, travel calendars, meeting agendas, and source selection and requirements development documentation.

Many of the documents the OIG relied upon in making its findings are publicly available. In its report and supplementary materials, the OIG made public written witness statements, investigation and information reports prepared by the OIG, correspondence between the OIG and various parties interested in the investigation, and numerous other documents and emails related to the JEDI procurement (including some involving meetings between Amazon and DoD officials). Some of these documents are directly responsive to requests in your letter and are publicly available for review. In addition to reviewing documents, the OIG conducted more than 80 interviews of current and former program managers, attorneys, ethics officials, other DoD officials involved in the JEDI procurement, and at least one AWS employee. Some of these interview transcripts and memoranda, including Sally Donnelly’s transcript,⁶ are publicly available.⁷

The OIG concluded that AWS was not afforded any preferential access or treatment. For example, the OIG report stated that there was (1) no “evidence that [Donnelly] failed to disclose [improper] payments . . . , provided preferential treatment to Amazon, or improperly participated in the JEDI Cloud procurement”;⁸ and (2) “no evidence that Donnelly gave Amazon officials greater or more frequent access

³ *Oracle America Inc. v. United States*, No. 18-1880C at 51–60 (Ct. Fed. Cl. 2019) available [here](#). It is telling that Oracle’s bid protest allegations did not include the purported involvement of either Donnelly or Teresa Carlson. This is despite the fact that Oracle was the driving force behind alleging impropriety on the part of Donnelly and Carlson when it complained to the OIG. Failing to include Donnelly and Carlson in the bid protest shows that Oracle did not view those issues as legitimate and that they were unlikely to withstand judicial scrutiny.

⁴ *Oracle America Inc. v. United States*, No. 19-2326 at 31 (Fed. Cir. 2020), available [here](#).

⁵ Inspector General, U.S. Dep’t of Defense, *Report on the Joint Enterprise Defense Infrastructure (JEDI) Cloud Procurement (DODIG-2020-079)* (Apr. 13, 2020), [here](#).

⁶ As noted in your letter, Donnelly was a senior advisor to Secretary of Defense James Mattis in the early stages of the JEDI procurement.

⁷ A full list of the records from the OIG’s files is publicly available [here](#). A significant portion of those documents, such as Donnelly’s interview transcript, are also publicly available [here](#).

⁸ OIG report at 200.

to meetings with Secretary Mattis than Amazon's competitors who requested to meet with him."⁹

Throughout these repeated, thorough examinations of the JEDI procurement process, there has been no evidence to substantiate any claims of impropriety made regarding the conduct or practices of AWS, its employees, or its agents acting on behalf of AWS. The factual record is comprehensive with contracting officers, judges, and the OIG all coming to the same conclusion: there is no material evidence of wrongdoing. The only reason these unfounded allegations have persisted for over six years is because Oracle continues to grossly mischaracterize and misrepresent the underlying facts.

DoD is currently on a path to acquiring the cloud capabilities it requires, through a competitive process that has been scrutinized for more than half a decade. Taxpayer interests have been protected to the point where it is hard to see what else could be done that would serve them further without causing undue turmoil and resource misallocation. Asking AWS and others to undertake searches for documents that, if they exist, will be many years old and of questionable relevance is unlikely to advance the public's interest or that of any party other than Oracle.¹⁰

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AWS reserves the opportunity to supplement information in this response letter. In providing information and materials responsive to your questions, AWS does not waive any rights, privileges, or legal options relating to the Committee's inquiry.

* * *

Please feel free to have your staff contact me with any questions concerning this response.

Sincerely,



Shannon L. Kellogg
Vice President, AWS Public Policy — Americas

⁹ *Id.* As to the allegations in your letter, you write, "there's an official report on the matter that isn't worth the paper it's printed on." We assume your letter is referring to the OIG Report and respectfully disagree with your characterization of that report given that—as we previously noted—it was based on a lengthy and thorough investigation.

¹⁰ Separately, the Committee has not identified a valid legislative purpose for its investigation. As you are aware, a committee's power to investigate is not unlimited. Indeed, a committee must have a legitimate legislative purpose for any inquiry, and the scope of the inquiry must be reasonably related to that purpose. *See Trump v. Mazars*, 140 S. Ct. 2019, 2036 (2020). Neither requirement has been met in this matter.