

Congress of the United States
Washington, DC 20515

February 10, 2023

The Honorable Lloyd J. Austin III
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20310

Dear Secretary Austin:

As Members of Congress, we have a responsibility to conduct oversight of the Department of Defense to ensure proper stewardship of taxpayer dollars. For the last two months, we have unsuccessfully attempted to engage senior leadership in the Department of the Army to seek information on the Future Long Range Assault Aircraft (FLRAA) competition. The Department of the Army has declined to provide us with a briefing, offering incomplete, misleading, and factually incorrect justifications as to why Members of Congress are not entitled to receive this information while the Government Accountability Office (GAO) evaluates a competitor's protest. Thus, pursuant to the United States Congress' responsibility to provide oversight of federal agencies, programs, and policies, and as authorized by 48 CFR § 3.104-4 and § 5.403, we request that you direct the Secretary of the Army to provide a briefing to Members of Congress on the bids, proposals, source selection, and contract for the FLRAA competition no later than February 17th.

After the December 5th announcement that Bell Textron's V-280 'Valor' was selected over the Sikorsky 'Defiant-X' as the winner of the FLRAA competition, we contacted the Army to request an informational briefing on the source selection and contract award. The Army initially and erroneously responded that it would require a "formal request from a committee of jurisdiction (via a Chairman-signed letter)." After providing a "formal request," the Army stated that a briefing could occur "no sooner than the close of the debriefing period of December 28, 2022." After this debriefing period closed, the Army responded that an informational briefing would be possible only "once there has been a final resolution of the protest." This shifting justification from Army leadership belies an obvious truth: there is no regulation, statute or precedent that prevents briefing Members of Congress during a GAO protest.

This failure to brief Members of Congress stands in stark contrast to the precedent set during previous GAO protests. On March 11th, 2008, Boeing filed a GAO protest alleging errors in the U.S. Air Force KC-X Aerial Refueling Tanker Program that had been awarded to Northrop Grumman. On March 14, 2008, the members of the Connecticut Congressional Delegation at the time, including several signatories of this letter, requested and received a briefing from the Air Force and Department of Defense. The briefing was provided and included details of both competitors' bids that made clear that the evaluation process was fundamentally flawed. The GAO ultimately concluded that the Air Force had made "a number of significant errors that

could have affected the outcome of what was a close competition between Boeing and Northrop Grumman.” We ask only that the Department of the Army be held to this standard and promptly provide this information to Members of Congress.

We appreciate your timely attention to this important matter and look forward to your response.

Sincerely,



CHRISTOPHER S. MURPHY
U.S. Senator



RICHARD BLUMENTHAL
U.S. Senator



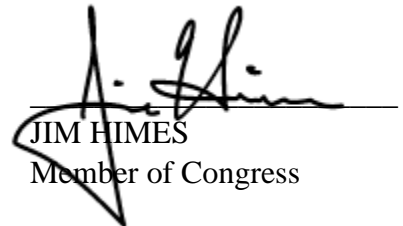
ROSA L. DeLAURO
Member of Congress



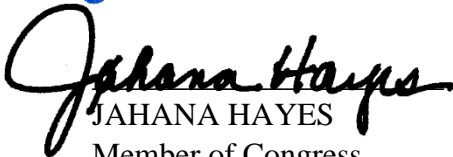
JOE COURTNEY
Member of Congress



JOHN B. LARSON
Member of Congress



JIM HIMES
Member of Congress



JAHANA HAYES
Member of Congress

CC The Honorable Christine Wormuth, Secretary of the Army
The Honorable Douglas R. Bush, Assistant Secretary of the Army for Acquisition,
Logistics, and Technology