

**BID PROTEST REFORM:  
UNDERSTANDING THE PROBLEM**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON GOVERNMENT  
OPERATIONS

OF THE

COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

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JULY 22, 2025  
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*Written opening statements and bios are available on the U.S. House of  
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\* Article, *Orlando Sentinel*, "FL Disaster Pipeline Funnels Millions to Politically Connected Contractors"; submitted by Rep. Frost.

*The documents listed above are available at: docs.house.gov.*

## ADDITIONAL DOCUMENTS

- \* Questions for the Record: Mr. Patton; submitted by Rep. Sessions.
- \* Questions for the Record: Mr. Prince; submitted by Rep. Sessions.
- \* Questions for the Record: Mr. Yukins; submitted by Rep. Sessions.

*These documents were submitted after the hearing, and may be available upon request.*



**BID PROTEST REFORM:  
UNDERSTANDING THE PROBLEM**

TUESDAY, JULY 22, 2025

U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
SUBCOMMITTEE ON GOVERNMENT OPERATIONS  
*Washington, D.C.*

The Subcommittee met, pursuant to notice, at 10:06 a.m., in room HVC-210, U.S. Capitol Visitor Center, Hon. Pete Sessions [Chairman of the Subcommittee] presiding.

Present: Representatives Sessions, Comer, Foxx, Palmer, Burchett, Gill, Mfume, Norton, and Frost.

Mr. SESSIONS. Good morning. And welcome to today's hearing on potential reforms to a bid process—protest process. This is the hearing of the Subcommittee on Government Operations and the Federal Workforce [sic], and we will come to order.

And I would like to welcome everybody.

Without objection, the Chair may declare a recess at any time. And I would recognize myself for the purpose of making an opening statement.

I understand the gentleman from Tennessee has a motion. The gentleman is recognized.

Mr. BURCHETT. Thank you, Mr. Chairman.

I move to direct the Chairman of the full Committee to authorize and issue a subpoena for Ghislaine Maxwell to appear for a deposition.

Mr. SESSIONS. Thank you very much. That motion by the gentleman from Tennessee, all those in favor, signify by saying aye.

[Chorus of ayes.]

Mr. SESSIONS. All those opposed, signify by saying no.

[No response.]

Mr. SESSIONS. In the opinion of the Chair, the ayes have it. The motion is agreed to.

The Committee will now resume its hearing. I thank the gentleman from Tennessee.

Mr. BURCHETT. Thank you, Mr. Chairman, for your attention to this matter.

Mr. SESSIONS. I recognize myself for the purpose of making an opening statement.

**OPENING STATEMENT OF CHAIRMAN PETE SESSIONS  
REPRESENTATIVE FROM TEXAS**

Mr. SESSIONS. And this is important today that we have gathered together, and we have three important witnesses who will help guide this Committee on what I believe is—should be a regular process as part of the success to ensure that the American people put trust in the Federal Government to spend their taxpayer dollars wisely. And as we need to continue our oversight to ensure, not only that, but also that we listen to professionals who deal with these issues to provide us status.

In Fiscal Year 2024, the Federal Government spent about \$755 billion on goods and services through the contracting process. And while there is significant focus on what Federal agencies bought, we need to focus also on that process and how they do so.

Part of the contracting process includes the mechanisms known as a bid protest that serves to ensure government procurements are competitive and fair. I believe this is an important goal, so it is incumbent upon the Subcommittee, this Subcommittee, Government Operations and the Federal Workforce [sic], to review the bid process as part of our regular oversight. And, indeed, we have looked at this process. We have learned that there are concerns in feedback that must be reviewed to determine whether changes to our system are in order.

Critics of the current process say that the bid protests have become ingrained in the solicitation and the award process, with companies factoring in a protest as soon as the contract is announced. Other critics say that contracting officers are more concerned with creating the best paper record to defend their decisions rather than achieving the best results for the Federal Government and the United States taxpayer. Supporters of the process who want reforms say that delays are due to bureaucratic red tape at the procuring agency; either the agency is too slow in developing requirements or too slow to implement corrective actions.

While there are potentially a number of problems in need of solution, it appears to me that the process may be overutilized. This makes it difficult for agencies to get the goods or services that they need, reducing their ability to timely deliver on their mission. I am aware of a variety of these issues that need to be considered.

So, is it too easy to protest? Can we maintain fairness while requiring more stringent criteria be met before a complaint can be filed? Are there too many bites at the apple for those who protest? Timeframes are involved in that. If a party does not like the results they get, are they bogging down the system by relitigating what they really wanted in the first place? Are there additional steps that can be taken before solicitation is issued which would prevent protests once an award is made? Should we adopt a “loser pays” approach, and how would this work?

It seems to me that this and other solutions could reduce and limit serial protesters who lodge a protest because they have nothing to lose. That is why we are here today.

We are here today to ask three people who are deeply involved in this process and have a vast background who are able to help guide, not only this Subcommittee, but I believe Members of Con-

gress to where we understand more about the process that we ask questions about.

As we examine this bid protest, as in the case with many other issues, Ranking Member Mfume and I want to investigate. We need to ensure that we have the right information to make good decisions that, with your guidance, will help us, and I am concerned we do not have those available to us, until today. We have a lot of things that are stories. We have a lot of things where people say things. Perhaps there is even a viewpoint about—with an unsolicited amount of creative information or information from those who are involved in the process who have opinions. But these insights are all important, and if we begin that story today with people who are in the know, who can guide us, it is helpful.

The Trump Administration is committed to reforms, and here in this Subcommittee, we are going to listen to that venue. We believe the vehicle to do that is by an open hearing, one that is not just matched with Republicans and Democrats, but good government people, and that is what we believe we have on the side of Republicans and our friends that are Democrats who are here today who serve on this Government Operations Subcommittee. We want to make sure that we are approaching problems, issues, and ideas thoughtfully.

So, today we will hear from distinguished subject matter experts who are in the field, who understand the problem, who know that ultimately we want to make sure that we are reviewing this to be thoughtful about what we are doing.

So, with that said, I would now yield to the Ranking Member or his designee, which in this case would be Ms. Norton. Ms. Norton, thank you very much. The gentlewoman is recognized.

Ms. NORTON. Thank you, Mr. Chairman. And thank you to the witnesses for being here today.

**OPENING STATEMENT OF ELEANOR HOLMES NORTON  
REPRESENTATIVE FROM THE DISTRICT OF COLUMBIA**

Ms. NORTON. On this Subcommittee, we have been steadfast in our bipartisan work. Together, we have committed to identifying solutions to longstanding challenges faced by our Federal agencies, including improper payments, financial management, and fraud prevention at the Department of Defense.

We have long recognized these issues that complicate the efforts of Federal agencies to be the stewards of taxpayer resources that Americans deserve. On this specific topic of bid protest, however, it is essential that any changes we make to the system are guided by data,—data that in some cases we do not yet have.

The U.S. Government is the largest buyer of goods and services in the world. It represents an important opportunity for businesses offering solutions to that can help our Federal agencies meet their goals in serving the American people.

The bid protest process plays an essential role for preserving public trust by helping to prevent corruption and unfair deals. It ensures that these doors of opportunity are opened to businesses of all sizes and backgrounds and not just those who are politically well connected. The bid process keeps our Federal agencies ac-

countable and guarantees that if you are offering a good deal to the American public, your bid on government work has a fair shot.

A fair and effective bid process also ensures that the American people are getting value for their hard-earned money by promoting robust and fair competition among contractors and government businesses. The sense of fairness encourages the innovative small businesses owned by veterans and minorities to jump into this competitive process environment to offer their services.

The immense volume of contracts awarded across the Federal Government calls for special attention from Congress and executive branch leaders. It is imperative that the DOD and the Federal agencies are empowered to procure goods and services efficiently. I do not believe this goal requires sacrificing accountability by erecting overtly burdensome barriers to contractors wishing to protest potential unfairness and impropriety on the part of the government.

As we examine this issue today and as this Subcommittee engages in efforts to reform our procurement system, several aspects of the bid protest system should be top of mind.

First, according to Government Accountability Office (GAO), bid protests are frequently successful in identifying a problem, resulting in corrective action by the agency. The data show that the majority of bid protests are valid. If we undermine this process, we may get worse outcomes from our agencies and unfair practices can go uncorrected.

Second, the number of contracts actually challenged through bid protest is small. For example, less than two percent of DOD contracts are protested every year. That number appears to be decreasing in recent years. It is fair to ask why that issue is a priority for reform in the face of other serious challenges.

Third, additional barriers to bringing a bid protest threatens to unfairly and disproportionately affect smaller businesses that have fewer financial resources. These are the very businesses we should be incentivizing to work with the Federal Government. We should not be driving them away by reducing their recourse in the event of an improper process.

We hope that we can work together to look for ways to reduce the need for bid protests by improving the procurement bid itself. We should be encouraging agencies to take hard looks at the results of their bid protests to see where they went wrong and where they can do better next time. And we should look for patterns in bid protests as blueprints for legislative reforms that might be needed.

Reports by the GAO and other independent researchers indicate that DOD does not collect the data necessary to analyze the impact of bid protests on DOD procurements of costs. It also does not systematically analyze the outcome of bid protests to identify areas of concern and its procurement processes. We cannot solve a problem we do not fully understand. I hope we can get more of that understanding today from our witnesses and continue to work together to find common sense solutions.

I know my colleagues on this Subcommittee share my goal of an efficient and fair government procurement system. I hope we can

continue to safeguard the bid protest process as the important accountability mechanism that it is.

Thank you, and I yield back.

Mr. SESSIONS. Ms. Norton, thank you very much, not only for your comments, but the expectation level that you have established on behalf of the Minority that could be achieved today. And I want you to know that I wholeheartedly agree, not only with your comments, but your desire for us to continue working together to see this issue in a way that will be in the best interest of, not just the taxpayer, but the fairness that will be seen by the public of the fairness behind the process. And I want to thank you very much.

I am now prepared to move to our witnesses. I would like to introduce them, if I could, please. I met with all three of them and found them all three to be, not only professional young people, but bring an expertise that I believe is important to the hearing today.

First, Mr. Kenneth Patton is managing Associate General Counsel at the GAO, the Government Accounting Office, where he is responsible for heading and managing the attorneys and the staff who resolve bid processes filed at the Government Accounting Office.

Second, Mr. Christopher Yukins is a research professor in government procurement law at George Washington University Law School. He teaches on contract formations, bid protests, and other issues in public procurement.

Last, Mr. Zachary Prince is a partner at Haynes and Boone, which is a law firm. His practice encompasses all areas of government contract law, and he counsels domestic and international clients on a wide range of issues, including bid protests.

So, I want to thank each of you for being here today, and would ask that each of you please rise for the purpose of me administering the oath of office—the oath to witnesses.

Pursuant to Government Reform Subcommittee, Committee Rule 9(g), the witnesses will please stand and raise their right hand.

Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

[Chorus of ayes.]

Mr. SESSIONS. Let the record show that the witnesses each answered in the affirmative.

Thank you very much. You may take your seat.

We will now move to recognize our witnesses for the purpose of making an opening statement.

I appreciate each of you being here, and let me remind the witnesses that we have read your written testimony and it will appear in full in the hearing record. I would also ask that you recognize that I had a conversation with each of you yesterday and would intend to treat you all fairly on the description of the 5 minutes or the time that we yielded you. Each of you are witnesses that are coming before this Subcommittee, and I am not going to strictly hold you to 5 minutes. I am going to hold you to the points that you would wish to make, your advice to this Subcommittee, and the importance of us making sure that we have an opportunity to ask questions back.

You will see that there will be Members who come and go, but we are going to move forward.

As a reminder, please press the button on your microphone in front of you when it is time for you to speak so that the members can hear you. And when you begin to speak, the light in front of you will move through the colors, green and then yellow and then to red. But I would encourage you to, please, make sure that the things which you would wish to discuss with the Subcommittee are adequately performed.

I now recognize the distinguished gentleman, Mr. Patton, for his opening statement. The gentleman is recognized.

**STATEMENT OF KENNETH PATTON  
MANAGING ASSOCIATE GENERAL COUNSEL  
U.S. GOVERNMENT ACCOUNTABILITY OFFICE**

Mr. PATTON. Chairman Sessions, Ranking Member Mfume, and Members of the Subcommittee, thank you for the opportunity today to talk about bid protest and possible bid protest reform.

The Competition in Contracting Act of 1984, or CICA, establishes that GAO is to provide for the inexpensive and expeditious resolution of protests. Consistent with this authority, GAO resolves more than 1,000 protests every year, all within 100 calendar days. However, over the last ten years, the number of protests filed at GAO has steadily declined by 32 percent, and the number of protests filed at DOD has declined by an even greater proportion, by 48 percent.

Notwithstanding that decline, the data from our annual bid protest reports reflects that the effectiveness rate, that is, the rate at which protesters receive some form of relief, either as a result of GAO sustaining a protest or an agency taking corrective action, has remained relatively stable at 50 percent.

Recently, section 885 of the National Defense Authorization Act for Fiscal Year 2025 included a provision for GAO to propose various possible reforms to the protest process, as well as to create benchmarks of the costs of bid protests. In this regard, while the benefits of the protest system in promoting accountability and integrity in Federal procurements are important, those benefits must be balanced against the public's interests in allowing the government to efficiently acquire the goods and services necessary to discharge their obligations.

Section 885 included three provisions. First, GAO was to consider enhanced pleading standards that protesters must meet before receiving access to administrative records of DOD procurements. Our regulations currently provide a robust pleading standard, and protests that do not meet this standard are dismissed, typically early in the process and prior to receiving access to agency records.

While our current pleading standard allows us to dismiss legally insufficient protests early in the process, we propose to enhance our standard to make it clearer that protest allegations must be credible and supported by evidence.

Second, section 885 included a provision for GAO to develop benchmarks of the cost to DOD of resolving protests and the lost profits of the awardee during the pendency of a protest. However, during the preparation of our proposal, we found that sufficient

data was unavailable concerning DOD's protest costs and lost profit rates to calculate reliable benchmarks.

For example, DOD does not track or record the cost of bid protests because it is not statutorily required to do so. Additionally, DOD expressed the view that given the low number of protests of DOD procurements, the cost of tracking such data would outweigh the benefits.

Third, section 885 required GAO to propose a process for an unsuccessful protester to pay the government's protest-related costs and contract awardees' lost profits. Without sufficient data, however, it was not possible to create the benchmarks envisioned by section 885.

GAO remains neutral on creating a fee-shifting process. We believe that existing authorities are sufficient to efficiently resolve and limit the adverse impacts of protests filed without a substantial or legal factual basis. Consistent with the requirements of section 885, however, we discuss two potential processes and practical and policy implications for congressional consideration.

First, Congress might consider a focused statutory requirement for DOD to include a contract provision that would permit DOD to recoup or otherwise withhold profit or fee where an incumbent contractor filed a protest that is dismissed as legally or factually insufficient.

Second, Congress might consider authorizing GAO to require a protester to reimburse DOD for the cost incurred in handling the protest, as well as any lost profits incurred by the awardee whose contract was stayed during the pendency of a protest.

The latter process would constitute a significant departure from GAO's current statutory authorities and would require significant structural changes to CICA and GAO's other statutory authorities.

Chairman Sessions, Ranking Member Mfume, and Members of the Subcommittee, this completes my prepared statement. I would be pleased to respond to any questions that you may have.

Mr. SESSIONS. Mr. Patton, thank you very much. Your detailed conversation with us was about 5 minutes and 10 seconds. Congratulations. Job well done.

I would now move to recognize Professor Yukins for his opening statement. Mr. Professor, you are recognized.

Mr. YUKINS. Thank you, sir. Chairman Sessions, Ranking Member—

Mr. SESSIONS. If you could please push that button that is right in front of you.

Mr. YUKINS. Thank you, sir.

Mr. SESSIONS. Thank you, sir.

**STATEMENT OF CHRISTOPHER YUKINS  
RESEARCH PROFESSOR  
GOVERNMENT PROCUREMENT LAW  
GEORGE WASHINGTON UNIVERSITY LAW SCHOOL**

Mr. YUKINS. Chairman Sessions, Ranking Member Mfume, and Members of the Subcommittee, thank you for the opportunity to speak to you today on bid protest reform.

My name is Christopher Yukins, and I serve as the Lynn David Research Professor in the Government Procurement Law Program

at the George Washington University Law School. Our program is launched by Professors Ralph Nash and John Cibinic in the early 1960s, and is one of the leading programs of its kind in the world.

Although I am testifying today in my personal capacity, I am proud to note that all of us testifying before you today are connected with our program at GW Law School. Ken Patton is a member of our board of advisors and Zachary Prince teaches on negotiations in the program.

I have spent over three decades working on bid protest as an academic and as a lawyer in Federal, state, and local forums. I represented the United States in bid protest and appeals as a lawyer in the U.S. Department of Justice. I worked on several hundred protests as a private lawyer and as a testifying expert. I helped author reports for the Administrative Conference of the United States and the Defense Department, at the request of Congress, on bid protest reform. Finally, I serve as the academic advisor to the American Bar Association's initiative to revamp the Model Procurement Code, which is used by state and local governments across our Nation. And that reform of the Model Procurement Code will almost certainly lead to improvements to bid protests at the state and local levels here in the United States.

The good news is that bid protests in the U.S. Government are healthy and well-established. Indeed, they are a model for the world. And I just note, Mr. Chairman, that our procurement system—our procurement law system started in the Revolutionary War. It is exactly 250 years old. It is a real mark of success of our Nation. And we have a much longer established procurement system than any other country in the world, that I am aware of.

The structure of our bid protest system which—with protests before the agencies, an independent agency such as GAO, and the courts—is seen in governments around the world. American companies working abroad regularly rely on other countries' bid protest systems, which in many ways track the U.S. model, to ensure they are treated fairly by other governments and may turn out to be very important for Members of the Subcommittee.

The European Union has talked about launching a retaliatory weapon in the ongoing tariff discussions, and that will specifically focus on public procurement. So, the strength and fairness of bid protest systems on both side of the Atlantic will be very, very important if that happens.

Many international trade agreements and conventions which the United States has joined, such as the World Trade Organization's Government Procurement Agreement and the U.N. Convention Against Corruption, specifically call for effective bid protest systems.

Bid protests have proven effective nationally and internationally because they allow those with the best information on procurement failures, typically other bidders, to bring procurement failures to light. Those protesting bidders, in essence, serve as whistleblowers on fraud, waste, and corruption. Impairing protests—in essence, discouraging those whistleblowers—would undermine bid protest core goals, which are, one, to reinforce competence in the competitive process, and two, to identify management failures in the procurement system.

Bid protests can be flash points of contention between the agencies and industry, and have long been the focus of reform efforts. Those reform efforts are often quite useful. Sometimes, though, they could have serious and negative unattended consequences.

In my written testimony, I have addressed several of the current proposals. The first is the value of two-bite protests that may be heard both by GAO and the courts. And I mentioned—for members of the Subcommittee, I mentioned that I have done hundreds of protests. I have only had two two-bite protests or two—where that came up, whether or not we should go from GAO onto the Court of Federal Claims. One of them was, for tactical and legal reasons, it was appropriate to abandon the GAO protest and go to the court.

The other time it occurred, actually, was we earned a GAO protest, we lost the GAO protest, but something smelled funny. Something smelled funny. Well, as a lawyer you get that instinct, this smells weird. But we did not—we were thinking about whether or not to go to the court because you get a more complete record of the court, but in the meantime this company, the opposing company, which was one of the leading companies in the United States, was raided by the FBI because, in fact, there was something corrupt going on.

So, the two-bite protest can be very important to preventing tactical circumstances but also just when there is basic issues of whether or not enough of the record has been produced at the GAO process.

I also address in the written testimony whether incumbent contractors challenging new contracts are really a problem in the procurement system, and if so, whether GAO and the courts already have the tools necessary to address that problem.

Just note for the Subcommittee that you are going to hear a lot of statistics on where we are in bid protest, that could change dramatically in the next few years. With artificial intelligence, it is possible that we could have an explosion in the number of bid protests. Also, there was, in Sweden you can actually buy insurance. As a company, you can buy insurance for bid protest. The companies in Sweden bring many more bid protests because the insurance companies pay for them there.

So, with that possible explosion bid protest, any reforms have to accommodate a system with many more bid protests going through. That just could be a reality coming down the road.

In my written statement, I discuss whether meritless protests truly clog the system given the high standards of proof imposed by GAO and the courts. I suggest a protesting company should not be required to post bonds, as that would only further burden the system and so discourage whistleblowing by protesters.

The bond requirement is something that has existed for a number of years in the United Kingdom. And when you bring a bid protest in the United Kingdom, you have to oftentimes post a very high bond. Many people view that as a serious barrier to bid protest, rendering the entire system ineffective, arguably.

I suggest that protests can and should be put on more rigorous timetables, as, Mr. Chairman, you referred to, both of the agencies and the courts. I also speak to promising potential reforms and ex-

panded debriefings for losing bidders, which would help reduce protests in the civilian agencies.

As we discussed, for me as a lawyer, the epiphany was, I worked on, with a major, major—one of the top five defense contractors. I worked on a billion dollar task order, and we reviewed a thorough, a 100-page-plus debriefing from the Defense Department agency involved, it was a billion dollar task order, as I said, and the company, although we told the company they had clear grounds for a protest, they could win on a protest at GAO, the company decided not to protest its loss on a billion dollar task order because they had a complete statement, 100-page statement, of why the agency had reached its decision, and they said, you know what, we disagree with this, but we are not going to protest.

And part of that was because, with the expanded debriefing, the managers on the procurement were able to turn to their senior managers and explain what happened because they had the documentation.

So, what all three of us will be talking about today, one of the key reforms is taking that reform, taking those expanded debriefings and extending them not just from the Defense Department, but to the civilian agencies as well.

I am also going to be talking about—I also spoke in my written testimony about agency-level bid protests. I have written a couple reports on that, as I mentioned. And agency-level bid protests are really not used now to any extent, and they would be a good and efficient way of moving forward with the system, making it possible for agencies to handle protests themselves.

With that, Mr. Chairman, mindful of my time, I would like to address—I would be glad to address any questions the Subcommittee may have. Thank you, sir.

Mr. SESSIONS. Professor Yukins, thank you very much, and for taking me up on explaining the things which you believe would be important for this Subcommittee to hear. Thank you very much.

Next, we move to Mr. Prince. Mr. Prince, happy birthday. The gentleman is recognized.

**STATEMENT OF ZACHARY PRINCE  
PARTNER, HAYNES BOONE LLP**

Mr. PRINCE. Thank you, Mr. Chairman.

Mr. Chairman, Ranking Member, and Members of the Subcommittee, thank you for having me today to speak on this important issue of bid protest reform.

As the Chairman mentioned at the outset, the U.S. Government spends roughly \$750 billion a year on government contracts. That is three-quarters of a trillion dollars annually. We must have a way to ensure integrity, transparency, and fairness in how the rules of the game are established and enforced.

The way we do that is by empowering interested parties to challenge governmental decisions before an impartial reviewing board. That provides the critical oversight to keep the system honest. It allows small businesses and new market participants confidence that they are on an even playing field with the large, experienced government contractors. The bid protest is a way for these companies to ensure they are given a fair shake and that the government

has fully considered novel or commercial solutions to its challenges. And this may be part of why small businesses, in fact, file most bid protests.

The system can be frustrating. There is no doubt about it. There is nothing as annoying for an acquisition professional in the government as having their decisions second-guessed. Completely get that.

For a company that is awarded a government contract, being told they need to wait and cannot do anything, while a competitor lodges what they believe is arguably a meritless dispute, is, of course, frustrating as well. But despite the perception, protests are infrequent and effective, and they are growing less frequent and more effective as time goes on.

Only a miniscule fraction of contracts are protested. The RAND report in 2017 said that that was a third of a percent of DOD awards, that it might be closer to one percent, depending on how you calculate it, but we are still talking about a really small amount of government contracts.

And, in fact, most GAO protests, over 50 percent, are effective. In other words, in more than half of protests, there is enough of a perception of significant error that GAO either rules in favor of the protester or recommends to the agency that they take action in favor of the protester, or the agency takes the opportunity to do so itself.

There are undoubtedly abuses of the system, but the data suggests that those abuses are rare, and remedies are already built into the system. GAO can and has in rare instances blocked protesters from filing new protests. The court can and has imposed sanctions in the Court of Federal Claims. Bonds at the court are already available upon request. And if the agency has a compelling reason to proceed regardless of the protest, it can and will go ahead with contract award and performance regardless of the protest having been filed. It just has to document it and justify it.

At bottom, protests are already expensive. For somebody to file a protest at GAO, it typically costs well in excess of \$100,000. The Court of Federal Claims, that can be double that figure.

Contractors understand the frustrations with the system. They understand that costs are involved. They understand there is a risk of irritating their customers. And they take the decision to protest very seriously and, in my experience, quite rarely, and the data bears this out.

Given the critical role that protests have in ensuring public funds are spent fairly and small businesses and new market participants have an opportunity to participate meaningfully, Congress should expand the protest remedy and cutoff meaningless disputes about venue, specifically by addressing, as I note in my written testimony, task order protests; extending the jurisdiction of the Court of Federal Claims; and explicitly recognizing jurisdiction for protests involving other transaction authorities, which are a wonderful mechanism for government advancement of important goals but can go—involve billions of dollars annually and could go overseen without explicit guidance.

Congress should also expand the enhanced debriefing requirements. DOD adopted this about a decade ago for certain procure-

ments. It has been remarkably effective at stopping protests. By showing that an agency meaningfully considered the offers and complied with its rules, showing disappointed offers that the agency took their offer seriously, followed the rules, even if the offers would disagree with the way the agency did that, stops protests, because it shows that the protests maybe are not likely to prevail, throwing good money after bad. The contractors are savvy to that issue. This has been effective at DOD. It should be extended to civilian agencies as well.

The protest system has issues, but it is the best way that we know, at the moment, to oversee the procurement system meaningfully, and any changes need to be considered very carefully for risk of unforeseen consequences, such as raising barriers for small businesses, and preventing meaningful issues from being raised and addressed.

This concludes my prepared statement. I am glad to answer any questions.

Mr. SESSIONS. Mr. Prince, thank you very much.

All three of you have provided this Subcommittee with, not only professional advice, but each of you are appreciated for being here.

We now move to the Member questions. I would like to recognize the distinguished gentleman from Tennessee, Mr. Burchett. You are recognized for 5 minutes, sir.

Mr. BURCHETT. When you said distinguished gentleman, Mr. Chairman, I was not sure who you were talking about, but I appreciate it. In my six years of Congress, I believe this is the first time I have ever gotten to go first. I thought maybe some of my Democrat friends were right, the rapture did come and I was left behind, but I see there is some more folks out there that think like I do, so I think we are okay.

Mr. Prince, do you think it would be beneficial for the Government Accountability Office to be more transparent about the bid protest evaluation process for businesses?

Mr. PRINCE. I do. And I think it would be very helpful for GAO to continue its practice of publishing dismissal decisions, which it has done more of. There has been a lot of talk in the bar about whether they should also allow access to the public to the docket, not just the listing of filings, but the redacted pleadings. I do think that would be helpful just to understand what arguments have been successful, how they have been presented, and that would give agencies a better insight into how to fix things in the front end.

Mr. BURCHETT. Don't you think that the people, for good reason, think this town is crooked as a dog's leg, literally, and, you know, every time we attempt to brush something aside, it just seems to create more controversy, and then we have to go back and correct it. I just—transparency has never really been a problem with me, and I appreciate that answer, sir.

Mr. Yukin, did I say that name right? Yukon or Yukin? How do you say it?

Mr. YUKINS. Yukins. Yukins, sir.

Mr. BURCHETT. Okay. Well, Burchett, they massacre my name every day of the week, so we are good.

Are there any current laws or regulations in the bid protest process that place unfair burdens on these businesses and stifle economic prosperity?

I see this a lot with the smaller folks. When I was county mayor, the big boys could role in with their attorneys, you know, some out there just hustling. Maybe a small minority company has a lot of difficulty with this thing, and I was very concerned about that. Could you address that, sir?

Mr. YUKINS. Yes, sir. Actually, ironically, it is at the other end of the spectrum. And as the Chairman mentioned, there is a need to align with what the Trump Administration is doing. The Trump Administration and Senator Wicker, Chairman Wicker on the Senate side, are clearly, sir, going to be using other transactions more, Mr. Prince alluded to.

There is—other transactions are—it is an oddly named thing, but it basically means starting from scratch. You throw the whole procurement system out the window and you write from scratch. That creates a lot of problems.

We teach contracting officers. About a third of my students are contracting—midlevel contracting officers. They have no idea how to negotiate these things, whereas their private counterparts really do. So, in many ways the irony here is it is not the small businesses, it is the government that is at the disadvantage in other transactions for the reasons you talked about, about public credibility and legitimacy. Very important, as Mr. Prince said, to have as much transparency and accountability as possible in other transactions.

They are a good idea. Other transactions are a good idea because they allow private capital to come in much more aggressively, much more successfully than in the traditional procurement process. So, other transactions is a good idea, but we have to have transparency, we have to have accountability.

Thank you.

Mr. BURCHETT. All right. Finally, Mr. Patton, how often do contractors pull their cases from the Government Accounting Office and file new cases with the U.S. Federal Court of Federal Claims? And probably just give me an estimate. I know you cannot say specifically.

Mr. PATTON. Actually, unfortunately, you are right, we cannot say specifically because we do not actually have the insight into the data about what cases go from GAO to the court.

But what I can say is, typically, the Court of Federal Claims has anywhere from 200 to 140 cases a year. Probably about half of those may have had some prior life at GAO.

Mr. BURCHETT. Do you have any idea what the percentage of bid protests are meritless? Just off the top of your head, give me a ballpark.

Mr. PATTON. Our sustain rate indicates 16 percent we sustain. We have an effectiveness rate of 50 percent, which means that there is something wrong in procurement, so the agency takes it back. For those decisions that go to a merit decision, the opposite of the 16 percent, those that we deny probably do not contain a winning case or the protester was not able to demonstrate a viola-

tion of law regulation that would have had an impact on the award.

Mr. BURCHETT. Okay. Okay. Real quickly, rapid fire, I am about out of time, which legislative proposals would be the most beneficial for Congress to implement to reform the bid process—bid protest process? Mr. Patton?

Mr. PATTON. I would say get the data that you need to identify the correct problem, because right now—

Mr. BURCHETT. All right.

Mr. PATTON [continuing]. There is no real accuracy.

Mr. SESSIONS. Out of time. Mr. Prince?

Mr. PRINCE. I think the enhanced debriefing, extend that out to civilian agencies.

Mr. BURCHETT. All right.

Mr. YUKINS. Absolutely concur, enhanced debriefing.

Mr. BURCHETT. Thank you, Mr. Chairman. As usual, this is not the sexiest committee, but it is the one that gets down to work. I appreciate you. Present company excluded, of course. You are down there wearing something from the Jim Jordan collection, I see, no jacket, so you are up on the sexy chart now, Mr. Chairman. Thank you so much for this opportunity.

Mr. SESSIONS. Mr. Burchett, thank you very much. I appreciate being somewhere on the list, and I appreciate your help.

We have now moved to the distinguished gentleman, my dear friend from Maryland, the Ranking Member, Mr. Mfume. The gentleman is recognized.

Mr. MFUME. Mr. Chairman, thank you very much.

I want to thank Mr. Burchett also for sharing some important information, and for his earlier action in the Subcommittee today. And I mean that sincerely. Thank you.

Mr. Chairman, I would be remiss if I did not at least also thank the gentlewoman from the District of Columbia, Ms. Norton, for opening up for this side of the aisle, and for her ever present work on this Committee. And thank you, sir, for calling this hearing.

I want to just get a little bit of clarity more than anything else. I have gone through much of your written testimony.

Mr. Patton, I think I want to start with you so that I am clear. Did I hear you say that if a bid protest fails, that the DOD could or should seek compensation, and if that were not the case, perhaps GAO should do that?

Mr. PATTON. I think what we, at GAO, said with regard to section 885 is that DOD does not collect data to determine what the cost to DOD would be to recoup that amount, nor do they collect data from the awardee to determine what lost profits would be. There could be a lot of administrative and legal concerns or issues to making a loser pay.

Mr. MFUME. Why don't they collect the data?

Mr. PATTON. That is a good question. From their perspective, they are not statutorily required to do so. And in their view, the benefit of collecting the data—excuse me—the harm, the effort outweighs the benefit to collecting that data. They do not see a need since protests at DOD are trending downward.

Mr. MFUME. Well, one thing that is trending at DOD is that they failed seven straight audits year after year after year, and this

Committee continues to point that out. So, if in this case they do not see it in their interests or they do not have statutory authority to do so, I just think they need to look at the handwriting on the wall. Things are pretty much going south with respect to DOD.

What about the GAO's role in this? Do you see that if they are not doing it because they don't have statutory authority, that you could, should, or are doing it?

Mr. PATTON. GAO probably could not do it because access to contractor data like that would require some mechanism to look at it, to require the contractors to provide it. They do not currently do so. So, it would be a challenge for GAO to do it.

Mr. MFUME. Then what would you suggest be put in place for them to at least provide GAO with that additional information?

Mr. PATTON. Initially, I think that the Department of Defense would need to collect the data. And then, as you may know, the Department of Defense's financial systems are on GAO's high-risk list because they have an inability to manage their financial system. So, there could be some additional financial challenges for DOD in trying to accomplish that.

Mr. MFUME. Yes, they are just running things terrible at that agency, and yet, this Congress just voted a 13 percent increase to what is already the largest slice of our budget. And we cannot even get a clean audit, and they continue to be on the watch list. Thank you very much.

Mr. Prince, you, I think, suggested that—or said, I should say, 50 percent of the bid protests that GAO looks at, they get dismissed. Is that right?

Mr. PRINCE. No. It is that 50 percent are deemed effective, so—

Mr. MFUME. Are deemed effective or ineffective?

Mr. PRINCE. Effective.

Mr. MFUME. Effective. Okay.

Mr. PRINCE. So, in other words, in 50 percent of cases, either it goes to a decision from GAO ruling in favor, or recommending the agency take action in favor, or the agency voluntarily takes corrective action.

Mr. MFUME. And what happens to all the others? They just go away?

Mr. PRINCE. They either lose—I mean, they can go to a decision or lose, or sometimes you get into the record, I have had this experience personally, and you see there is nothing there and you pull it because it is just not worth throwing more good money after bad.

Mr. MFUME. Now, I got a sense from you that you thought that bid protests are not out of control and are not ballooning. Is that correct?

Mr. PRINCE. That is correct.

Mr. MFUME. So, how would you reconcile that with Mr. Yukins' statement that we ought to be on the lookout for what is happening with artificial intelligence?

Mr. Yukins, I think you said there will be an explosion in bid protests, if I am correcting—or correctly referencing what your testimony is. Is that correct?

Mr. YUKINS. Yes. There could be an explosion with artificial intelligence or the way that people fund bid protests changes. What I was getting at, sir, was that if there—it is important that any so-

lution that Congress brings to this process be one that does not create clunky solutions, because if we have a system that is expanding very rapidly and we have clunky things built into it, well, the system could collapse.

Mr. MFUME. So, on another part of that, you do support expanding debriefings. Is that correct?

Mr. YUKINS. Yes, sir, absolutely. It is a way—it is a very cheap and effective way, and, again, with artificial intelligence, it becomes easier and easier to redact the documents. If you have 100-page document, very quickly artificial intelligence can pick out what is confidential and then the document can be produced to the bidders.

Mr. MFUME. And, Mr. Prince, you also support expanding the debriefings?

Mr. PRINCE. I do.

Mr. MFUME. Okay. Mr. Chairman, I have no more questions. Thank you.

Mr. SESSIONS. Thank you very much.

We now move to the distinguished gentleman from Texas. The gentleman, Mr. Gill, is recognized for 5 minutes.

Mr. GILL. Thank you, Mr. Chairman, and thank you to the witnesses for being here and taking the time.

Mr. Patton, I would like to start with a few questions for you. My understanding is that GAO serves as an arbiter of bid protest challenges, but the decisions are nonbinding. Is that correct?

Mr. PATTON. Yes, sir, that is correct.

Mr. GILL. What is the rationale for contractors to use the GAO as a venue for bid protests given that they are nonbinding?

Mr. PATTON. One of the benefits of the GAO bid protest system is that, if you file within certain timeframes, you get what is called an automatic stay of performance, meaning that the agency cannot move forward with awarding or performing the contract. That allows GAO time to administer and resolve the protest. That is one of the chief benefits of filing at GAO.

Mr. GILL. Got it. Do you think the GAO would like those to be binding, those decisions?

Mr. PATTON. I think GAO recognizes that there are some true separation of powers issues. Since GAO is a legislative branch agency, we do not want to be perceived as overstepping our lane.

Mr. GILL. Right. Do you think it would change the landscape if they were?

Mr. PATTON. I think there would be significant questions that would need to be resolved if GAO were given authority or asked to do things that might be perceived to be an executive function.

Mr. GILL. Got it. And can you provide a couple of examples of some more egregious examples of companies' bid protesting?

Mr. PATTON. In what context? We have protests where we have sustained protests. We have protests where we have denied. There have been some instances, as I think alluded to before, we did have a VEXIS protester who filed numerous, what we might consider, meritless protests, and we debarred that individual company from filing protests at GAO.

Mr. GILL. Do you see that happen often?

Mr. PATTON. Not at all. Actually, that was an anomaly. And since 2018, when we have implemented our electronic protest docketing system with an attended filing fee, we have seen a drop in protests and a drop in repeat filers.

Mr. GILL. And that is what I was about to ask you. It seems like the current process has the potential to create delays because contractors would file with the GAO first, withdraw their case when they anticipate losing, and then subsequently initiate a new case with the Court of Federal Claims. And you are saying that does not happen often. Is that correct?

Mr. PATTON. Do not have the data to answer that question, but what I can say is the Court of Federal Claims has around 200 or so cases. So, if that is happening, it is happening in a very, very small number of cases.

Mr. GILL. Got it. Do you think that this process should be reformed in any way?

Mr. PATTON. I think that if there are legitimate questions that people have about its efficacy, those ought to be explored. And to the extent that there are concerns, they should be addressed. But I do think that we do need the data to support whatever concerns might be identified.

Mr. GILL. Based on your experience, what changes would you like to see?

Mr. PATTON. Right now, we do think that the system is operating as intended. I think that it is—we have not seen any need to initiate any reforms. That does not mean that we cannot do so if some are, in fact, identified.

Mr. GILL. Got it. Thank you, Mr. Patton.

And I yield the remainder of my time to the Chairman.

Mr. SESSIONS. Thank you very much. The gentleman now has yielded back his time.

I would like to amplify, if I can in the remaining minute and 30 seconds, the admiration that I have for each of you, all three of you, to come and engage this Subcommittee. There are always public comments, there are always public perceptions about bids, processes, fairness, the processes involved in that, and I have found that in speaking to each of you three who are deeply involved in this process, that you are providing this Subcommittee with your feedback, notwithstanding there are Members who have offered some bit of a challenge to that, and sustained not only where we are but what we are attempting to do.

I will speak to it on my 5 minutes, but I wanted to use these 42 seconds remaining to let you know that I see little difference between you when you all talk about the system, except to say that you want it to remain fair. You want it to remain something that is a part of a public discussion. You are open not just to feedback but that you find that the openness by each of the agencies as they go about their business is properly performed by GAO, that GAO has a part in that process, and that outside counsel or these companies have knowledge.

And I want to thank you. And I think that Mr. Gill started to get at that by asking the question, well, do you need any changes? And I think that what really happened is Mr. Patton clearly said there are perceptions, there are ideas out there, but in their re-

view, please make sure you address those before you go change anything.

And I want to thank the distinguished gentleman from Texas. We now yield back the time and move to the gentlewoman from Washington, D.C., for her 5 minutes. The gentlewoman is recognized.

Ms. NORTON. Thank you, Mr. Chairman.

The government should get the best value for taxpayers when contracting with businesses for goods and services. To do so, it is important that government offices have an experienced and qualified workforce that knows how to investigate our complex system of procurement laws and regulations. Unfortunately, this Administration has instead seen fit to gut the Federal workforce and its experienced workers.

Secretary Hegseth has announced plans to reduce the Department of Defense personnel by tens of thousands, threatening to undermine institutional knowledge among Defense Department procurement professionals. As a result, this Administration's capricious and cruel policies—of their cruel policies, we are losing valuable expertise every day. These cuts are deliberately undermining government efficiency's ability to achieve their missions, including complex procurements.

Mr. Prince, in your experience, how important is it for agency procurement officials to have the right experience and training?

Mr. PRINCE. Congresswoman, it is absolutely pivotal. In order to have any meaningful procurement changes that have been proposed in a broader sense, to have an effective acquisition system, we need well-trained acquisition workforce members.

Ms. NORTON. Thank you, Mr. Prince.

Another question for you. How do you expect the cuts we are seeing in the Federal workforce to impact agency procurements and bid protests?

Mr. PRINCE. It remains to be seen. I would not be surprised if it starts causing delays in certain agencies. I know it is already causing delays in contract awards in some agencies and that this may have a trickle effect into an increased number of bid protests. The data next year I think will be very interesting to see.

Ms. NORTON. It is clear that this Administration is not making the procurement system more efficient and transparent. In fact, it is doing the opposite. Congress must do everything we can to protect the capacity of our Federal workers as well as the integrity of the procurement process.

And I yield back.

Mr. SESSIONS. The gentlewoman yields back her time. Thank you very much.

We now move to the distinguished gentlewoman, Dr. Foxx. Dr. Foxx, you are recognized for 5 minutes.

Ms. FOXX. Thank you, Mr. Chairman. And I thank our witnesses for being here.

This is a question for each of the witnesses. And I do have several questions, so I will ask you to be as succinct as possible.

Under current law, bid protests may be filed in one of three venues: the GAO, the contracting agency itself, or the U.S. Court of Federal Claims, COFC. However, the data shows that most pro-

tests are filed with the GAO or an agency but not with the COFC. Why is this the case, and what are the implications of this, quote, venue shopping?

We will start here. Mr. Patton?

Mr. PATTON. We do not actually have data to determine why individuals shop or move between forums. And, as I mentioned earlier, one of the benefits of the GAO system is that you get an automatic stay of contract performance. That is an easy way to stop. If you go to the court, you may have to litigate that.

Ms. FOXX. Okay. Mr. Prince?

Mr. PRINCE. Yes. One advantage of GAO is the agency is still in charge of the way the protest proceeds. So, if there is corrective action to be taken, they might take it quicker. But the record also is more truncated. So, you might just go to the court if you think you are going to get piecemeal record and you really need something bigger.

Mr. YUKINS. Ma'am, Mr. Prince alluded to this before, but in response to the study that GAO is doing under section 885 of the Defense Authorization Act, GAO asked the bar how much it cost to— for an awardee to defend a protest. As Mr. Prince alluded to, it is—the data, it is very gross, it is very high level. It is not enormously precise, but it was about \$100,000 with GAO and about \$200,000 with the Court of Federal Claims.

So, a contractor is facing twice as many costs if they decide to go to the Court of Federal Claims. And that is one of the major reasons that they decide to go to GAO instead.

Ms. FOXX. Okay. I understand the lack of data, but you just mentioned the cost. Is there any data to tell us whether there is a more favorable outcome at one of those places than another?

Mr. YUKINS. The best outcome—there has been academic studies on this, ma'am, that the best outcome is actually not to win a protest, because if you win a protest, you actually—at that point, the agency is so angry at you that you are not likely to win the contract.

Ms. FOXX. Right.

Mr. YUKINS. The best outcome is to come in hard and strong at GAO and get corrective action taken by the agency. That statistically is the—that is the optimal outcome.

Ms. FOXX. Okay. I am going to submit my next question for the record.

Mr. Prince, what information would be helpful for contractors, particularly small businesses, to understand the merits of a potential bid protest?

Mr. PRINCE. So, I think the most effective thing to do would be to provide a unredacted source selection document; that is, a document providing to outside counsel or to in-house counsel, under protective order or nondisclosure agreement, clear information on the deliberative process.

Ms. FOXX. Transparency is always good.

In your opinion, if Federal Government were to provide additional information to bid protesters, such as enhanced debriefs, would the number of frivolous bid protests decrease?

Mr. PRINCE. I think generally, yes. And I think that is part of why it has gone down over the last decade.

Ms. FOXX. And again, I will ask this question of all three of you. If we do not have time, then I will ask you submit your answers for the record.

What are your suggestions for bid protest reforms that can reduce costs to frivolous protests, and how can these reforms ensure that legitimate protests are allowed to proceed? Mr. Patton?

Mr. PATTON. I would say that the agencies need to collect data and determine whether or not they think a protest is meritless or not and provide that data to the Congress.

Ms. FOXX. Mr. Prince?

Mr. PRINCE. I think greater access to information at the outset to potential protesters.

Mr. YUKINS. I agree in terms of enhanced debriefings.

One of the important things to understand, ma'am, is that ours is a very concentrated system. We have a concentrated Defense Department, very concentrated market. The bar, there is only—in Hungary, they have 2,000 procurement lawyers. In the United States, at the Federal level, we only have about 500. It is not because the Hungarians are smarter. It is because we work as a very tight community, and people act very responsibly as a result.

So, if we had more information through debriefings, responsible, well-trained lawyers will be working with responsible, well-trained contractors and they will decide not to protest.

Ms. FOXX. Thank you, Mr. Chairman. I yield back.

Mr. SESSIONS. Thank you very much. The distinguished gentleman, Dr. Foxx, yields back her time.

I would now yield myself such time as I may consume.

I want to thank each of you for being here today. I found this process that I had to go through as a Subcommittee Chairman most informative, because I think the gentleman, Mr. Patton, alluded to conversations, thinking that people have, perceptions that they may even express without enough information to satisfy a balanced answer.

And I have attempted, with each of you, to ask questions that enabled you, allowed you, and provided you a chance to respond back, and each time, I have found that all three of you provided a balanced answer back that said the system understands this, the system takes this into account, and the system is flexible enough to be able to produce what might be a balanced answer. And I want you to know that the American people have a lot to learn about what you have provided me today.

I think that the important part that I have learned out of this—or perhaps in my interaction with you, because I talked to all three of you about it, is the ability to make sure that we teach to agencies their responsibilities. And that you have all told me that, based upon the effectiveness of an agency to guide those people through a process, not only how it will happen but what those expectations are, produces a better result where, even if a person does not win a bid process, they understood more about the facts and factors related to that.

Secondly, in discussing, at least I think with Mr. Prince, I began—and perhaps it was you, Professor—gave me a feeling to understand that if there is an open ability to add a protest in when

they learn back, as a result of the announcement, feedback from the agencies about how decisionmaking took place.

And I felt like that that was one of the more important aspects that I learned; that it is not just one and done, but actually there is some period of time where both sides or three sides that could consider the answer that happened, and if some extraneous information appeared, it could be considered. And I thought that that was very important, because an agency may render a decision about their decision that maybe was or was not factually understood by both sides.

And so, I found that the process that GAO was following to be not only fair, but I found it, as has been alluded to here, a closed group of people or a group of people that were smaller in size that understood the rules. It was not a surprise. And they knew what was available to them to fight, to brief, and to provide feedback on a fair and timely basis.

So, I really have learned a lot from this. I think I can defend—as the Subcommittee Chairman for Government Operations, I think I can fairly say that both sides, three sides, whoever is making the bid, will be dealt with fairly. There is a review process that would be done by experts who, as we might say from Ms. Norton, would be accomplished on a fair basis and would be done in the best interest of not just the taxpayer but a process that would be well understood.

So, I want to thank each of you for being here. I want to recognize that each of you have taken your own personal time to appear before this Subcommittee. You have done so in a distinguished fashion. And I offer wholehearted support for you.

We have—Mr. Frost is now here. You know what? I started on my closing statements. I would like to move back and to recognize the distinguished gentleman from Florida who was here earlier and I did not know was here. The gentleman is recognized for 5 minutes.

Mr. FROST. All good. Thank you so much, Mr. Chair. And thank you so much to our witnesses for being here.

You know, our witnesses have made the point that the bid protest process can help make the Federal contracting process fair and transparent, which is obviously very important. Unfortunately, there has been a large absence of fairness and transparency, especially with the current Administration. And I really want to focus in and to talk about what the absence of fairness and transparency would mean for the true funders and true clients of these contracts, which are our constituents and the American people.

Professor Yukins, are there examples from outside the United States where businesses lack the ability to challenge government contracting decisions?

Mr. YUKINS. Yes, sir. The most profound example was in South Africa under Jacob Zuma, when Jacob Zuma and the Gupta family were able to seize control of actually a small part of the overall procurement system in South Africa, but they delegitimized the entire young democracy in South Africa as a result. A lot of what you see from President Ramaphosa now in his response—his aggressive response against corruption is because of what they did, what Jacob

Zuma and the Gupta family did in procurement. So, when a procurement system collapses, it affects the entire government.

Mr. FROST. What has that meant for the results of those contracts and the people of those countries' return on the investment?

Mr. YUKINS. What is meant is that it—for South Africa, for example, is now revamping their procurement system dramatically.

I think in our own country here, as we are moving forward, it will be important for there to be, as you say, as much transparency as possible in order to keep, so—a concrete example, and something that I know is very important to you, is the detention centers that are likely to be—that is—the detention centers have been a classic example of private capital being used aggressively by the Federal Government to put facilities in place.

And if those detention facilities are not procured using transparent processes that set standards as to what the detention facility should look like based on the contracts, then there could be very serious ramifications across the government.

Mr. FROST. Yes. I am really happy you brought this up because it is something I wanted to talk about.

You know, about a week and a half ago, I did a tour of this—what I would call an internment camp, but it is an immigrant detention center in the middle of the Everglades in the State of Florida, being operated by the Florida Division of Emergency Management, which is tasked with keeping our people safe during a hurricane. And they are spending about \$450 million of the \$500 million cap that they can spend to prepare for hurricanes on the detention center.

So, hurricane comes up in the Gulf tomorrow, barreling toward Florida, they have to go back to the legislature and spend time doing that instead of taking care of the people of our state, but that is a whole other thing.

I want to talk about the lack of transparency and fairness we are seeing in this because I do not want to see this exported across the country. The most recent example is this Everglades facility. Here are some examples. CDR Health, which has donated about \$4 million to Republicans in Florida over—and over half a million dollars to Florida Governor Ron DeSantis a few months ago, won a \$17.5 million contract for this specific facility. IRG Global, which has given \$400,000 to Governor DeSantis and the GOP, including \$10,000 to the Florida GOP just hours before they were awarded a \$1.1 million contract for this immigrant detention center, they are running the camp operations. And they got another \$5 million contract later in a few weeks after that.

None of these businesses hired to build, staff, and run this immigrant detention facility have any prior experience with immigrant detention centers and no prior experience with anything in corrections facilities or anything around that.

This is costing us eight to ten times what it usually costs to house a typical inmate. And I would like to enter into the record, unanimous consent, this article from the *Orlando Sentinel*.

Mr. SESSIONS. Without objection.

Mr. FROST. Yes. It is “Florida’s disaster pipeline funnels millions to politically connected contractors.”

Look, I mean—and I do not care what party you are in—this is something we should all—and I do not care what your politics are. This is something that should worry all of us when, in the State of Florida, the money set aside to protect us from hurricanes is being used for a—what I would say is a politically motivated promise in this mass deportation thing.

But not even just that, but the money that is being awarded to these contractors is not being done in a transparent way. It is completely bypassing the typical process you go to, to have a contractor in the State of Florida. And then it is seemingly going to people who have donated millions and millions of dollars to the guy making the decisions.

And so, this is something that should be on the mind of all people across the country and every Floridian, especially as we talk about procurement and as we talk about third-party contractors.

Thank you, and I yield back.

Mr. SESSIONS. The gentleman yields back his time. Thank you very much.

So, without objection, all Members have five legislative days within which to submit material and additional written questions for the witnesses, which would be forwarded to you.

If there is no further business, without objection, the Subcommittee stands adjourned.

[Whereupon, at 11:20 a.m., the Subcommittee was adjourned.]

