



OFFICE OF THE UNDER SECRETARY OF DEFENSE
3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

ACQUISITION
AND SUSTAINMENT

The Honorable Jack Reed
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The Joint Explanatory Statement (JES) in the conference report (House Report 116-617), accompanying H.R. 6395, the William M. (Mac) Thornberry National Defense Authorization Act (NDAA) for FY 2021 (Public Law 116-283), page 1709, “Repeal of Pilot Program on Payment of Costs for Denied Government Accountability Office Bid Protests,” requests the Secretary of Defense undertake a study through the Acquisition Innovations Research Center (AIRC), to examine elements enumerated in an earlier NDAA. The earlier study, conducted by RAND National Defense Research Institute, was inconclusive, given an inability to obtain sufficient data. The JES refers to section 885 of the NDAA for FY 2018 (Public Law 114-328); however, the correct reference is the NDAA for FY 2017. The JES recommends that the AIRC study includes information on the rate at which protestors are awarded contracts that are the subject of bid protests; an analysis of time spent attempting to prevent a protest, addressing a protest, or taking corrective action; an analysis of the number and disposition of protests filed within the Department; and factors related to the agency-level protests. The Department’s report detailing the results and recommendations of the AIRC study, together with such comments as the Secretary determines appropriate, is requested not later than September 1, 2021.

Following the enactment of the NDAA for FY 2021, the Department had to identify and allocate resources to support this effort. On June 30, 2021, the Department awarded a contract to the AIRC to conduct the study and submit its report by June 30, 2022. The Department expects to complete our analysis of the AIRC recommendations, prepare and coordinate the report, and finalize for signature by the Under Secretary of Defense for Acquisition and Sustainment by the end of November 2022.

I am sending identical letters to the other congressional defense committees.

Sincerely,

Christopher C. O'Donnell
Performing the Duties of the Assistant Secretary
of Defense for Acquisition

cc:
The Honorable James M. Inhofe
Ranking Member