

110TH CONGRESS
2^D SESSION

S. 3328

AN ACT

To amend the Homeland Security Act of 2002 to provide
for a one-year extension of other transaction authority.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ONE-YEAR EXTENSION OF OTHER TRANS-**
2 **ACTION AUTHORITY.**

3 Section 831 of the Homeland Security Act of 2002
4 (6 U.S.C. 391(a)) is amended—

5 (1) in subsection (a)—

6 (A) by striking “Until September 30,
7 2008, the Secretary may carry out a pilot pro-
8 gram” and inserting “If the Secretary issues
9 policy guidance by September 30, 2008, detail-
10 ing the appropriate use of other transaction au-
11 thority and provides mandatory other trans-
12 action training to each employee who has the
13 authority to handle procurements under other
14 transaction authority, the Secretary may, before
15 September 30, 2009, carry out a program”; and

16 (B) in paragraph (1), by striking “sub-
17 section (b)” and inserting “subsection (b)(1)”;
18 (2) in subsection (b)—

19 (A) by striking “(b) REPORT.—Not later
20 than 2 years” and inserting “(b) REPORTS.—
21 “(1) IN GENERAL.—Not later than 2 years”;

22 (B) by redesignating paragraphs (1) and
23 (2) as subparagraphs (A) and (B), respectively,
24 and realigning such subparagraphs, as so reded-
25 igned, so as to be indented 4 ems from the
26 left margin; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(2) ANNUAL REPORT ON EXERCISE OF OTHER
4 TRANSACTION AUTHORITY.—

5 “(A) IN GENERAL.—The Secretary shall
6 submit to the Committee on Homeland Security
7 and Governmental Affairs and the Committee
8 on Commerce, Science, and Transportation of
9 the Senate and the Committee on Homeland
10 Security of the House of Representatives an an-
11 nual report on the exercise of other transaction
12 authority under subsection (a).

13 “(B) CONTENT.—The report required
14 under subparagraph (A) shall include the fol-
15 lowing:

16 “(i) The technology areas in which re-
17 search projects were conducted under other
18 transactions.

19 “(ii) The extent of the cost-sharing
20 among Federal and non-Federal sources.

21 “(iii) The extent to which use of the
22 other transactions—

23 “(I) has contributed to a broad-
24 ening of the technology and industrial
25 base available for meeting the needs

1 of the Department of Homeland Secu-
2 rity; and

3 “(II) has fostered within the
4 technology and industrial base new re-
5 lationships and practices that support
6 the national security of the United
7 States.

8 “(iv) The total amount of payments,
9 if any, that were received by the Federal
10 Government during the fiscal year covered
11 by the report.

12 “(v) The rationale for using other
13 transaction authority, including why grants
14 or Federal Acquisition Regulation-based
15 contracts were not used, the extent of com-
16 petition, and the amount expended for
17 each such project.”.

Passed the Senate September 23 (legislative day,
September 17), 2008.

Attest:

Secretary.

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