

110TH CONGRESS
2D SESSION

S. 3328

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

IN THE SENATE OF THE UNITED STATES

JULY 24 (legislative day, JULY 23), 2008

Ms. COLLINS (for herself and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

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,*

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

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

7 (1) in subsection (a)—

8 (A) by striking “Until September 30,
9 2008, the Secretary may carry out a pilot pro-
10 gram” and inserting “If the Secretary issues

1 policy guidance by September 30, 2008, detail-
2 ing the appropriate use of other transaction au-
3 thority and provides mandatory other trans-
4 action training to each employee who has the
5 authority to handle procurements under other
6 transaction authority, the Secretary may, before
7 September 30, 2009, carry out a program”; and

8 (B) in paragraph (1), by striking “sub-
9 section (b)” and inserting “subsection (b)(1)”;
10 (2) in subsection (b)—

11 (A) by striking “(b) REPORT.—Not later
12 than 2 years” and inserting “(b) REPORTS.—
13 “(1) IN GENERAL.—Not later than 2 years”;

14 (B) by redesignating paragraphs (1) and
15 (2) as subparagraphs (A) and (B), respectively,
16 and realigning such subparagraphs, as so reded-
17 igned, so as to be indented 4 ems from the
18 left margin; and

19 (C) by adding at the end the following new
20 paragraph:

21 “(2) ANNUAL REPORT ON EXERCISE OF OTHER
22 TRANSACTION AUTHORITY.—

23 “(A) IN GENERAL.—The Secretary shall
24 submit to the Committee on Homeland Security
25 and Governmental Affairs of the Senate and the

1 Committee on Homeland Security of the House
2 of Representatives an annual report on the ex-
3 ercise of other transaction authority under sub-
4 section (a).

5 “(B) CONTENT.—The report required
6 under subparagraph (A) shall include the fol-
7 lowing:

8 “(i) The technology areas in which re-
9 search projects were conducted under other
10 transactions.

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

13 “(iii) The extent to which use of the
14 other transactions—

15 “(I) has contributed to a broad-
16 ening of the technology and industrial
17 base available for meeting the needs
18 of the Department of Homeland Secu-
19 rity; and

20 “(II) has fostered within the
21 technology and industrial base new re-
22 lationships and practices that support
23 the national security of the United
24 States.

1 “(iv) The total amount of payments,
2 if any, that were received by the Federal
3 Government during the fiscal year covered
4 by the report.

5 “(v) The rationale for using other
6 transaction authority, including why grants
7 or Federal Acquisition Regulation-based
8 contracts were not used, the extent of com-
9 petition, and the amount expended for
10 each such project.”.

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