

Statement of Senator Susan M. Collins

Business Meeting

Committee on Homeland Security and Governmental Affairs

July 30, 2008

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With my opening remarks, I would like to draw my colleagues' attention to a straightforward piece of legislation on the agenda.

S. 3328 would extend the Department of Homeland Security's "Other Transaction Authority," or OTA, by one year. The current authority expires on September 30.

I introduced this bill with Senator Lieberman because OTA provides an important, alternative procurement strategy for research and development programs.

Congress specifically authorized OTA as an alternative to traditional grants or Federal Acquisition

Regulation-based contracting to accelerate prototyping of break-through technologies by non-traditional government contractors.

Programs authorized to use OTA are free to negotiate provisions that are mutually acceptable to all parties, such as intellectual-property and indemnity provisions.

The Departments of Defense, Energy, and Transportation have used OTA, as have the FAA and NASA. The Homeland Security Act of 2002 provided DHS its initial OTA authority. That authority was modeled after DoD's OTA statute. The FY 2008 DHS Appropriations Act extended DHS's authority for an additional year.

OTA has proven particularly useful in helping the DHS Science and Technology Directorate work with

small, cutting edge, non-traditional firms to carry out basic, applied, and advanced R&D on critical homeland security technologies. By allowing customized agreements regarding intellectual-property rights, indemnity, and other matters, OTA helps bring smaller companies into contract agreements that might be prohibitively burdensome if entirely subjected to standard government-contract language.

During the one-year extension created by our bill, DHS would be required to produce guidance, increase training, and report to Congress on OTA usage. So the bill would do more than simply extend OTA. It would give Congress additional information on ways in which OTA supports the Department's efforts to secure cutting-edge technology to address pressing homeland-security challenges.

I urge my colleagues to support this bill.

I would also note that I will support the nominations of Gus Coldabella to be General Counsel at DHS and of James Williams to be Administrator of the General Services Administration.

The DHS General Counsel provides legal advice to the Secretary on Congressionally assigned missions and on the Department's compliance with federal laws on civil rights, employment, and other matters. The General Counsel also serves as an important point of contact with Congress, the Government Accountability Office, and the DHS Inspector General.

Given his legal experience within DHS and in the private sector, Mr. Coldabella is prepared to carry out those important duties. He has indicated a commitment

to improving information sharing between DHS and this Committee, the GAO, and the DHS IG.

James Williams would also bring valuable experience to his new federal duties. His work at the Department of Commerce, the GSA, the Internal Revenue Service, and the new Federal Acquisition Service will give him a broad perspective for administering GSA's responsibilities as the government's chief landlord and its main acquisition agency.

As Administrator, Mr. Williams would face numerous challenges, such as the presidential-transition process, consolidation of DHS offices at the St. Elizabeths complex, and construction of new ports of entry facilities in Maine and other border states. As a career public servant with important experience managing difficult

procurements, Mr. Williams is well prepared to lead GSA through these challenging times.

Thank you, Mr. Chairman.

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