

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

KEITH B. ASHDOWN, STAFF DIRECTOR  
GABRIELLE A. BATKIN, MINORITY STAFF DIRECTOR

February 12, 2016

The Honorable Gene L. Dodaro  
Comptroller General of the United States  
U.S. Government Accountability Office  
441 G St. NW  
Washington, DC 20548

Dear Mr. Dodaro:

The Transportation Security Administration (TSA) is one of the largest components of the Department of Homeland Security (DHS). The administration's \$7.3 billion budget request for fiscal year 2015 included \$5.7 billion for aviation security, including an additional \$7 million for homemade explosives detection software compared to FY14.<sup>1</sup> While many of TSA's acquisitions are subject to typical contracting requirements, Congress has also given TSA special acquisition authority, known as other transaction authority (OTA).<sup>2</sup> Using OTA to enter into agreements can be beneficial in helping the government reach contractors that traditionally have not done business with the government. However, these arrangements carry the risk of reduced accountability and transparency, in part because they are exempt from the Federal Acquisition Regulation (FAR) and the government's cost accounting standards.

According to a recent GAO report, TSA primarily uses OTA for contracts to reimburse airport authorities and municipalities for the costs of participating in transportation security programs.<sup>3</sup> I am interested in an in-depth GAO review of TSA's use of contracts and OTA to fulfill its mission. I note that, unlike other DHS components, TSA was not required to follow the FAR for its contracting until 2008. Given the billions of dollars TSA spends on passenger and baggage screening systems and its unique partnerships with airport authorities, I am interested in learning how its acquisition management processes have evolved over time.

Specifically, I request the GAO review include:

- 1) Trends in TSA's overall contracting, including money spent, extent of competition and types of contracts for research and development as well as procurement of passenger and baggage screening systems and other goods and services.

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<sup>1</sup> Fiscal Year 2015 Budget of the U.S. Government, Office of Management and Budget.

<sup>2</sup> 49 U.S.C. § 114(m).

<sup>3</sup> *Use of 'Other Transaction' Agreements Limited and Mostly for Research and Development Activities*, U.S. Government Accountability Office (GAO-16-209) (Jan. 7, 2016).

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- 2) The extent to which TSA has used OTA to meet its mission. In what cases were agreements made using OTA instead of more traditional contracting authorities? How often is OTA used? What has the length of the agreements made using OTA been, and which entities were awarded contracts pursuant to OTA?
- 3) An analysis of whether TSA's acquisition workforce is well-positioned to award and oversee contracts and OTA.
- 4) An assessment of the TSA acquisition management process when using OTA, including consideration of whether a FAR-based contract could be used.

Thank you for your assistance. Please have your staff contact Sarah Garcia with my Subcommittee staff at (202) 224-5602 with any questions. Please send any official correspondence relating to this request to [Kelsey\\_Stroud@hsgac.senate.gov](mailto:Kelsey_Stroud@hsgac.senate.gov).

Sincerely,



Claire McCaskill  
Ranking Member  
Permanent Subcommittee on Investigations

cc: Rob Portman  
Chairman  
Permanent Subcommittee on Investigations