

The bill (S. 3328), as amended, was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 3328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ONE-YEAR EXTENSION OF OTHER TRANSACTION AUTHORITY.

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

(1) in subsection (a)—

(A) by striking “Until September 30, 2008, the Secretary may carry out a pilot program” and inserting “If the Secretary issues policy guidance by September 30, 2008, detailing the appropriate use of other transaction authority and provides mandatory other transaction training to each employee who has the authority to handle procurements under other transaction authority, the Secretary may, before September 30, 2009, carry out a program”; and

(B) in paragraph (1), by striking “subsection (b)” and inserting “subsection (b)(1)”;

(2) in subsection (b)—

(A) by striking “(b) REPORT.—Not later than 2 years” and inserting “(b) REPORTS.—“(1) IN GENERAL.—Not later than 2 years”; (B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and realigning such subparagraphs, as so redesignated, so as to be indented 4 ems from the left margin; and

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

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

“(A) IN GENERAL.—The Secretary shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives an annual report on the exercise of other transaction authority under subsection (a).

“(B) CONTENT.—The report required under subparagraph (A) shall include the following: (i) The technology areas in which research projects were conducted under other transactions.

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

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

“(I) has contributed to a broadening of the technology and industrial base available for meeting the needs of the Department of Homeland Security; and

“(II) has fostered within the technology and industrial base new relationships and practices that support the national security of the United States.

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

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

FEDERAL PROTECTIVE SERVICE GUARD CONTRACTING REFORM ACT OF 2007

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 953, H.R. 3068.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3068) to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 3068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Protective Service Guard Contracting Reform Act of 2008”.

SEC. 2. FEDERAL PROTECTIVE SERVICE CONTRACTS.

(a) *PROHIBITION ON AWARD OF CONTRACTS TO ANY BUSINESS CONCERN OWNED, CONTROLLED, OR OPERATED BY AN INDIVIDUAL CONVICTED OF A FELONY.—*

(1) *IN GENERAL.—The Secretary of Homeland Security, acting through the Assistant Secretary of U.S. Immigration and Customs Enforcement—*

(A) *shall promulgate regulations establishing guidelines for the prohibition of contract awards for the provision of guard services under the contract security guard program of the Federal Protective Service to any business concern that is owned, controlled, or operated by an individual who has been convicted of a felony; and*

(B) *may consider permanent or interim prohibitions when promulgating the regulations.*

(2) *CONTENTS.—The regulations under this subsection shall—*

(A) *identify which serious felonies may prohibit a contractor from being awarded a contract;*

(B) *require contractors to provide information regarding any relevant felony convictions when submitting bids or proposals; and*

(C) *provide guidelines for the contracting officer to assess present responsibility, mitigating factors, and the risk associated with the previous conviction, and allow the contracting officer to award a contract under certain circumstances.*

(b) *REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations to carry out this section.*

SEC. 3. REPORT ON GOVERNMENT-WIDE APPLICABILITY.

Not later than 18 months after the date of enactment of the Act, the Administrator for Federal Procurement Policy shall submit a report on establishing similar guidelines government-wide to the Committee on Homeland Security and Governmental Affairs and the Committee on Oversight and Government Reform of the House of Representatives.

Mr. MENENDEZ. I ask unanimous consent that the committee-reported substitute be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3068), as amended, was read the third time and passed.

INDIAN ARTS AND CRAFTS AMENDMENTS ACT OF 2007

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 961, S. 1255.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1255) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments, as follows:

[The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.]

S. 1255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Arts and Crafts Amendments Act of 2007[7] 8”.

SEC. 2. INDIAN ARTS AND CRAFTS.

(a) **CRIMINAL PROCEEDINGS; CIVIL ACTIONS; MISREPRESENTATIONS.**—Section 5 of the Act entitled “An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes” (25 U.S.C. 305d) is amended to read as follows:

“SEC. 5. CRIMINAL PROCEEDINGS; CIVIL ACTIONS.

“(a) **DEFINITION OF FEDERAL LAW ENFORCEMENT OFFICER.**—In this section, the term ‘Federal law enforcement officer’ includes a Federal law enforcement officer (as defined in section 115(c) of title 18, United States Code).

“(b) **CONDUCT OF INVESTIGATIONS.**—Any Federal law enforcement officer may conduct an investigation relating to a violation of this Act that occurs on land under the jurisdiction of the Federal Government.]

“(b) **AUTHORITY TO CONDUCT INVESTIGATIONS.**—Any Federal law enforcement officer shall have the authority to conduct an investigation relating to an alleged violation of this Act occurring within the jurisdiction of the United States.

“(c) **CRIMINAL PROCEEDINGS.—**

“(1) **INVESTIGATION.—**

“(A) **IN GENERAL.**—The Board may refer an alleged violation of section 1159 of title 18, United States Code, to any Federal law enforcement officer for appropriate investigation.

“(B) **REFERRAL NOT REQUIRED.**—A Federal law enforcement officer may investigate an alleged violation of section 1159 of that title regardless of whether the Federal law enforcement officer receives a referral under subparagraph (A).

“(2) **FINDINGS.**—The findings of an investigation of an alleged violation of section 1159 of title 18, United States Code, by any Federal department or agency under paragraph (1)(A) shall be submitted, as appropriate, to—[mitted to—

“(A) the Attorney General; or]