The Honorable John McCain  
United States Senate  
Washington, D.C. 20510  

Dear Senator McCain,

I wish to take this opportunity to correct the record and amend a statement I made in response to your question regarding whether the protections of the Truth In Negotiation Act (TINA) have been incorporated into the articles of the Other Transaction Authority (OTA).

During the hearing, I testified in response to your question regarding whether Boeing certified its cost and pricing information as required under TINA. That Government reviewers, such as Defense Contract Audit Agency and Defense Contract Management Agency, certify their findings to the grants officer. I now understand you were asking whether the contractor, Boeing, submits certified cost and pricing data pursuant to TINA. The answer is no. Moreover, while articles of the OTA contain procedures that would permit subsequent review and adjustment of contractor costs, the OTA does not contain the protections afforded to the Government under TINA in those instances when contractors fail to provide current, accurate, and complete cost and pricing data.

I appreciate the opportunity to offer my corrected statement for your consideration.

Sincerely,

Claude M. Bolton, Jr.  
Assistant Secretary of the Army  
(Acquisition, Logistics and Technology)