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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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March 11, 2008

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GREGG A. ROTHSCCHILD, CHIEF COUNSEL

The Honorable Michael Chertoff
Secretary
Department of Homeland Security
1300 Pennsylvania Ave., N.W.
Washington, D.C. 20229

Dear Secretary Chertoff:

We are writing to request a public version of the Homeland Security Institute's (HSI) review of the testing and performance of the Advance Spectroscopic Portal (ASP) monitors being developed by the Domestic Nuclear Detection Office (DNDO). The HSI review was requested by Under Secretary Paul A. Schneider as part of an anticipated Secretarial certification to determine whether ASPs provide a significant increase in operational effectiveness. We are also writing to obtain information on the Department of Homeland Security (DHS) process to decide whether to compete or extend the contract to operate HSI. The Committee on Energy and Commerce has held five hearings since 2002 on the Government's efforts to prevent nuclear smuggling, including a September 18, 2007, oversight hearing on the DNDO testing program for ASPs.

The entire 178-page HSI review of the ASP testing program, which is dated February 20, 2008, is designated Official Use Only (OUO). In view of the significant public interest in combating nuclear terrorism, the prominence given to this review by the Under Secretary, the recommendations made by HSI to improve the validity of the testing program within DHS, and the candid responses provided by DNDO, there is significant value in permitting taxpayers to have access to a public version of this report. We are confident the Department can redact sensitive information that would aid and abet our adversaries, while informing the public on what HSI found and the bases of their conclusions.

Thus, this letter formally requests the following documents relating to HSI's review of the ASP testing program:

1. A non-OUO version of the report; and

2. Any correspondence, memoranda, or e-mails between HSI and any DHS element—including DNDO—between September 1, 2007, and March 5, 2008, regarding this report.

In addition, we understand that DHS has been evaluating whether to compete or extend the HSI contract. DHS advised the Committee that it commenced a review pursuant to FAR 35.017-4—this rule governs whether to extend the sponsorship of a Federally Funded Research and Development Center (FFRDC). This letter formally requests the following information in connection with that review:

1. Is the Department planning to re compete the contract—which expires at the end of December 2008—with Analytic Services, Inc. to operate HSI or will the contract be extended? If DHS plans to extend the contract, what is the duration of the extension?
2. If the decision referenced in question one has not yet been made, when is a decision expected?
3. Please provide a copy of the evaluation by DHS in connection with FAR 35.017-4 pertaining to the extension of sponsorship of this FFRDC and evaluations on whether to extend the current contract or re compete.
4. Please provide any and all communications between and within your office, the Science and Technology Directorate or other DHS elements (such as procurement), HSI (or representatives of Analytical Services, Inc, the entity which operates HSI), the White House, Congress, and Advisory Boards or other parties (including contractors) concerning the extension or re competition of the HSI contract covering the period January 1, 2007, through March 6, 2008.

Please provide answers to the questions outlined above and deliver copies of the documents requested within 3 weeks of receipt of this letter. Thank you for your cooperation in this matter.

Should you have any questions, please contact us or have your staff contact Richard Miller with the Committee staff at (202) 226-2424.

Sincerely,



John D. Dingell
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

The Honorable Michael Chertoff
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cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable John Shimkus, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Paul A. Schneider, Acting Deputy Secretary
United States Department of Homeland Security

The Honorable Jay M. Cohen, Under Secretary for Science and Technology
United States Department of Homeland Security