

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

May 5, 2009

The Honorable Steven Chu
Secretary of Energy
United States Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Dear Mr. Secretary:

The Senate Committee on Commerce, Science and Transportation is investigating allegations that New Era Technology, Inc. (NETECH), a small business in Florida, fraudulently obtained contracts totaling nearly \$3 million from the National Aeronautics and Space Administration (NASA). In the course of its investigation, the Committee has learned that the Department of Energy also awarded at least one contract to NETECH. I am writing to request your assistance as my Committee investigates this alleged fraud against the federal government.

According to NETECH's website, the company "was established in 1988 as a research and development company specializing in high technology engineering research, design, and simulation, data communications and management, and graphical user interfaces and simulation."¹ NETECH's founder and senior scientist is Samir Anghaie, a professor of Nuclear and Radiological Engineering and director of the Innovative Nuclear Space Power and Propulsion Institute, at the University of Florida. His wife, Sousan Anghaie, is the president of NETECH and their two sons, Hamid and Ali, have received payments from the company.

Since 1999, NETECH has received eight contracts through NASA's Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs. The SBIR and STTR programs, "seek to increase opportunities for small businesses to participate in government research & development, to improve overall United States competitiveness, and to

¹ New Era Technology, Inc., Home Page, (online at www.confman.com) (accessed April 8, 2009).

increase national employment. The STTR program has the additional intent of developing collaboration between small businesses and non-profit research institutions.”²

On February 19, 2009, the U.S. Attorney of the Northern District of Florida filed an “In Rem” complaint against various pieces of property owned by Samir and Sousan Anghaie, including a BMW automobile, a condominium in Ft. Lauderdale, Florida, and a Scottrade stock trading account.³ In an attached affidavit, the government alleged that this property was purchased with funds the Anghaies fraudulently diverted from payments they received through NASA’s SBIR and STTR programs. According to the affidavit, this alleged scheme to defraud the government went on for at least eight years and involved multiple contract awards.

I am very concerned about these allegations. On March 6, 2009, I wrote to the Acting Administrator of NASA requesting information and documents concerning all contracts and grants NASA had awarded to NETECH. To date, NASA has produced more than 1,500 pages of documents in response to this request. In reviewing these documents, the Committee has learned that, in addition to eight SBIR and STTR contracts, NETECH received four research grants from NASA totaling \$400,000. The Committee has also learned that NETECH was awarded contracts by other federal agencies, including at least one contract with the Department of Energy (contract # DE-AC07-01ID14054).

I am concerned that this new evidence suggests that the alleged NETECH fraud may have been more extensive than was originally believed. I am also concerned that the evidence the Committee has reviewed so far suggests that federal grant funds devoted to basic scientific research may be vulnerable to fraud.

In order to further investigate the extent of NETECH’s business with federal government agencies, I request that you provide the following information to the Committee:

1. A list of all grants, contracts, and other awards the Department of Energy (DOE), or any of its agencies or departments, has made to New Era Technology Inc., the Innovative Nuclear Space Power and Propulsion Institute at the University of Florida, Samim Anghaie, Sousan Anghaie, Hamid Anghaie, or Ali Anghaie. This list should include grants, contracts, or other awards DOE has made to any corporate entity controlled or operated by any of the four persons named above. The list should include the date, the value, and a short description of each grant, contract, or award. The list should also include the office, program, or person within DOE who authorized the making of each contract, grant, or award, and should include unique identifying numbers, such as Data Universal Numbering System (DUNS) numbers, contract numbers, and

² National Aeronautical and Space Administration, *SBIR and STTR Participation Guide* (April 9, 2009) (online at www.sbir.gsfc.nasa.gov/SBIR/partintro.htm).

³ Verified Complaint for Forfeiture in Rem, *U.S. v. Real Property Located at 501 South Moody Ave., Unit 117, Tampa, FL* (Feb. 19, 2009) N.D. Fla. (No. 1:09 cv 41-MP/AK).

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grant numbers, that will assist the Committee in precisely identifying each grant, contract, or award; and

2. Copies of all documents related to the grants, contracts, and awards listed in response to question (1) above, including but not limited to, all requests for proposal, applications, proposals, evaluations, correspondence, contracts and subsequent modifications, grant announcements, interim reports, final reports, external reviews, and e-mails and other communications related to each contract, grant or award.

Please provide these documents to the Committee by June 1, 2009.

The Committee is conducting this investigation under the authority of Senate Rules XXV and XXVI. Enclosed with this letter is a document providing additional information about how to respond to this document request. If you have any questions about this request, please contact John Williams or Jeffrey Zubricki of the Committee staff at 202-224-1300.

Sincerely,

A handwritten signature in black ink that reads "Jay Rockefeller". The signature is fluid and cursive, with the first name "Jay" written in a larger, more prominent script than the last name "Rockefeller".

John D. Rockefeller IV
Chairman

Enclosure

Cc: Kay Bailey Hutchison
Ranking Member

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RESPONDING TO COMMITTEE DOCUMENT REQUESTS

In responding to the document request, please apply the instructions and definitions set forth below:

INSTRUCTIONS

1. In complying with this request, you should produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, documents that you have a right to copy or have access to, and documents that you have placed in the temporary possession, custody, or control of any third party.
2. Documents responsive to the request should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in the request has been, or is currently, known by any other name than that herein denoted, the request should be read also to include them under that alternative identification.
4. Each document should be produced in a form that renders the document susceptible of copying.
5. When you produce documents, you should identify the paragraph or clause in the Committee's request to which the documents respond.
6. Documents produced in response to this request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued. To the extent that documents were not stored with file labels, dividers, or identifying markers, they should be organized into separate folders by subject matter prior to production.

7. Each folder and box should be numbered, and a description of the contents of each folder and box, including the paragraph or clause of the request to which the documents are responsive, should be provided in an accompanying index.
8. It is not a proper basis to refuse to produce documents that any other person or entity also possesses non-identical or identical copies of the same document.
9. The Committee accepts electronic documents in lieu of paper productions. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, back up tape, or removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), you should consult with Committee staff to determine the appropriate format in which to produce the information. Documents produced in electronic format should be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in (6) and (7) above.
10. If any document responsive to this request was, but no longer is, in your possession, custody, or control, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
11. If a date or other descriptive detail set forth in this request referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
12. The request is continuing in nature and applies to any newly discovered document. Any document not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.
13. All documents should be bates-stamped sequentially and produced sequentially. In the cover letter, you should include a total page count for the entire production, including both hard copy and electronic documents.
14. The documents should be delivered to Room 516 of the Dirksen Senate Office Building. You should consult with Committee staff regarding the method of delivery prior to sending any materials.

15. In the event that a responsive document is withheld on any basis, you should provide the following information concerning any such document: (a) the reason the document is not being produced; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; (e) the relationship of the author and addressee to each other; and (f) any other description necessary to identify the document and to explain the basis for not producing the document.
16. If the request cannot be complied with in full, it should be complied with to the extent possible, which should include an explanation of why full compliance is not possible.
17. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee or identified in a privilege log provided to the Committee, as described in (15) above.

DEFINITIONS

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (e-mail), instant messages, calendars, contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, power point presentations, spreadsheets, and work sheets. The term includes all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to the foregoing, as well as any attachments or appendices thereto. The term also means any graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotapes, recordings, and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, recordings, and removable computer media such as thumb drives, flash drives, memory

cards, and external hard drives), and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, electronic format, disk, videotape or otherwise. A document bearing any notation not part of the original text is considered to be a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term “documents in your possession, custody or control” means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that you have placed in the temporary possession, custody, or control of any third party.
3. The term “communication” means each manner or means of disclosure, transmission, or exchange of information, in the form of acts, ideas, inquiries, or otherwise, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, e-mail, instant message, discussion, release, personal delivery, or otherwise.
4. The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.
5. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
6. The terms “referring” or “relating,” with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.