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**Homeland
Security****JUL 02 2008**

The Honorable John Dingell
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter provides additional information, as requested in your March 11, 2008 letter to Secretary Chertoff, on the review of the Advanced Spectroscopic Portal testing and performance. As you requested, we are providing a redacted (non-For Official Use Only) version of the Advanced Spectroscopic Portal (ASP) Independent Review Team (IRT) Report, and a copy of the e-mails pertinent to the ASP IRT, as attachments to this letter.

With respect to the questions you asked concerning the recompetition of the Homeland Security Institute (HSI) contract, the Department of Homeland Security (DHS) is providing the following information:

1. Is the Department planning to recompetete 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?

The Department's contract with Analytic Services, Inc. to operate HSI expires at the end of December 2008. The contract includes Federal Acquisition Regulation (FAR) 52.217-8 (Option to Extend Services), which enables DHS to extend the period of performance for up to six months past the expiration date of the contract. Because the HSI contract will terminate in April 2009 in accordance with its statutory authorization (please see Section 312(g) of the Homeland Security Act of 2002, as amended by P.L. 108-334 *Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2005 and For Other Purposes*), DHS will extend the period of performance for Analytic Services, Inc. to operate the HSI only until the April 2009 statutorily-prescribed termination date.

DHS intends to issue a solicitation to conduct a full and open competition for the renewal of the sponsoring agreement for the HSI. If Congress does not extend the authorization for the HSI past its current termination date in April 2009, DHS has the option of using its statutory authority under Section 305 of the Homeland Security Act of 2002 (P.L. 107-296). This enables the Under Secretary for Science and Technology to establish or contract with one or more federally funded research and development centers to provide independent analysis of homeland security issues and to carry out other responsibilities under the Homeland Security Act.

2. If the decision referenced in question one has not yet been made, when is a decision expected?

Because the HSI contract will terminate in April 2009 in accordance with its statutory authorization (please see Section 312(g) of the Homeland Security Act of 2002, as amended by P.L. 108-334 *Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2005 and For Other Purposes*), DHS will extend the period of performance for Analytic Services, Inc. to operate the HSI only until the April 2009 statutorily-prescribed termination date.

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 recompetete.

DHS has not completed the Federally Funded Research and Development Center comprehensive review required by FAR 35.017-4. This review is in progress and will be completed prior to renewal of the sponsoring agreement for the HSI. The renewal of the sponsoring agreement for the HSI will be conducted utilizing full and open competition procedures as set forth in the Federal Acquisition Regulation.

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 recompetition of the HSI contract covering the period January 1, 2007, through March 6, 2008.

Please find the enclosed e-mail communications arising within the Science and Technology Directorate concerning the extension or recompetition of the HSI contract covering the period January 1, 2007, through March 6, 2008 are provided as an attachment to this letter. Please note that these e-mails are pre-decisional in nature and therefore do not accurately reflect the Department's current strategy concerning the extension or recompetition of the HSI contract. The Department's current strategy is outlined in the response to Question 1 above.

We appreciate your interest in the Department of Homeland Security and look forward to working with you in the future. If you have further questions, please do not hesitate to contact the Office of Legislative Affairs at (202) 447-5890. An identical letter has been sent to the Chairman of the Subcommittee on Oversight and Investigations, Committee on Energy and Commerce.

Sincerely,



Elaine C. Duke
Acting Under Secretary for Management

Enclosures

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, Deputy Secretary
The Honorable Jay Cohen, Under Secretary for Science and Technology