

March 23, 2010

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, DC 20258

Dear Secretary Napolitano:

The Traveler Enforcement Compliance System (TECS) is the backbone for recording, managing, and maintaining law enforcement actions taken by Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE). TECS is a critical component of our government's efforts to stop terrorists from traveling, and it supports approximately 120,000 users from 20 federal agencies. Expanded far beyond its original scope, TECS is in critical need of modernization. Current functionality does not allow interoperability among databases, fast searching of information, modern interfaces for users of the system, or sufficient security to protect critical terrorist travel data. This modernization process started in FY08, is estimated to cost \$362 million, and is currently projected to be completed in FY15.

We fully support the effort to improve the functionality of TECS; however, we have some concerns about the planning and management of the initiative. The most recent contract vehicle for TECS, a Blanket Purchase Agreement (BPA) negotiated in 2002, has expired and CBP was unable to issue a new contract vehicle in time to replace the BPA. Instead, CBP has extended work through the incumbent contractor while preparing to conduct a new competition, which we are told will be accomplished by dividing the program into five separate contracts. Given that CBP had trouble completing a new competition before the BPA expired, we are concerned that the program office lacks adequate staff to integrate five different contracts. Moreover, we want to ensure that separating the initiative into five contracts will not diminish oversight of the program by DHS headquarters or affect the functioning of this critical homeland security program.

We therefore ask that you provide the Committee with answers to the following questions:

- The Department's Chief Information Officer (CIO) noted in his October 2009 program assessment of TECS modernization that CBP's program office appears to be understaffed and directed CBP to submit a complete staffing plan. We also understand that the program office has relied heavily on

contractor support and that contractor support staff are shared with other CBP programs. Has the plan requested by the CIO been prepared? Who in DHS headquarters will be responsible for ensuring that the program office has the staff and expertise needed to manage the TECS modernization? Does the sharing of contractor support with other CBP programs negatively affect TECS?

- Will the planned contract strategy of using five smaller contracts instead of one large contract change oversight of the program by DHS headquarters? What will be the roles of the offices of the CIO and the Chief Procurement Officer in overseeing the TECS modernization? Does CBP have a management plan in place to integrate these five contracts and ensure that the transition from the BPA is seamless for TECS users?
- Our understanding is that CBP plans to enter into five separate contracts this year and then revise the acquisition strategy to establish one contract in a couple of years. Please provide an assessment of this plan including the rationale for replacing one contract vehicle with multiple smaller vehicles. Also, why in the future does CBP plan to transition back to a single contract vehicle? How will this affect the contracted services and the program's oversight plan?
- The program's schedules for both initial operating capability and full operational capability have been delayed. Have key planning documents, *i.e.*, Acquisition Program Baseline, Acquisition Plan (including analysis of alternatives), Test and Evaluation Master Plan, and Independent Cost Estimate, been approved at the Department level? What is your assessment of the overall modernization plan for TECS? Have the CIO and the Acquisition Review Board approved the requirements for the program, whether in an integrated contract vehicle or in the five separate contract vehicles?
- What is the status of the Acquisition Review Board's review of TECS modernization? Please provide the Committee with a copy of any Acquisition Decision Memoranda related to TECS.

We appreciate your response to these questions, and we look forward to working with you to ensure that the TECS modernization successfully meets the needs of CBP, ICE, and the broader law enforcement community.

Sincerely,

Joseph I. Lieberman
Chairman

Susan M. Collins
Ranking Member