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## United States Senate

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS WASHINGTON, DC 20510–6250

July 21, 2014

The Honorable Jeh C. Johnson Secretary U.S. Department of Homeland Security 3801 Nebraska Ave N.W. Washington, D.C. 20016

Dear Mr. Secretary: Mr. Surutany

We recently learned that the U.S. Citizen and Immigration Services (USCIS) awarded a \$190 million contract to U.S. Investigations Services, Inc. (USIS). To better understand USCIS's decision to award this contract to USIS, we request that USCIS provide a briefing to the Committee on the agency's acquisition process for this procurement, including the nature of the services contracted from USIS and the source selection procedures used.

Last fall, the Department of Justice joined a civil fraud lawsuit against USIS alleging a systematic failure to adequately conduct security clearance investigations. Specifically, the complaint filed by the Department of Justice alleges that the senior management of USIS "dumped" incomplete investigations on the Office of Personnel Management (OPM) in order to increase the company's revenues and profit. This began in at least March 2008 and continued through at least September 2012 and involved 665,000 background investigations — approximately 40 percent of the total investigations conducted by USIS during that time frame.

In light of the ongoing lawsuit, we are particularly interested in learning how USCIS evaluated the past performance of USIS on other contracts and assessed the company's level of responsibility – both key requirements under federal procurement law.<sup>3</sup> We understand that USCIS evaluated USIS's proposed submission as "low risk."<sup>4</sup>

<sup>&</sup>lt;sup>1</sup> U.S. Department of Justice press release (Oct. 30, 2013), http://www.justice.gov/opa/pr/2013/October/13-civ-1158.html

<sup>&</sup>lt;sup>2</sup> United States complaint (Jan. 22, 2014), *United States of America ex rel. Blake Percival v. U.S. Investigations Services*, M.D. Ala. (No. 11-CV-527-WKW).

<sup>&</sup>lt;sup>3</sup> 48 C.F.R. Part 9; 48 C.F.R. Subpart 42.15.

<sup>&</sup>lt;sup>4</sup> Information provided to Committee staff from USCIS Office of Legislative Affairs (July 7, 2014).

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We appreciate your assistance in this matter. Please provide this information no later than July 28, 2014. Should your staff have any questions with respect to this letter, please feel free to direct them to Troy Cribb at 224-2627 or Cathy Yu at 224-7155.

With best personal regards, we are

Sincerely yours,

Thomas R. Carper

Chairman

Committee on Homeland Security

And Governmental Affairs

Claire McCaskill

Chairman

Subcommittee on Financial and Contracting Oversight

cc: The Honorable Tom A. Coburn, M.D., Ranking Member, Committee on Homeland Security and Governmental Affairs

The Honorable Ron Johnson, Ranking Member, Subcommittee on Financial and Contracting Oversight

P.S. Many thanks!