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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

November 3, 2009

The Honorable Robert M. Gates
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301

Dear Mr. Secretary:

We are writing to invite you or your designee to testify before the Subcommittee on Contracting Oversight at a hearing entitled, "Accountability for Foreign Contractors: The Lieutenant Colonel Dominic 'Rocky' Baragona Justice for American Heroes Harmed by Contractors Act." The hearing will be held on Wednesday, November 18, 2009 at 2:30 P.M. in Room SD-342 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the "Lieutenant Colonel Dominic 'Rocky' Baragona Justice for American Heroes Harmed by Contractors Act" and the underlying issues raised by this legislation. The bill was introduced by Senator McCaskill to correct deficiencies brought to light by Lt. Col. Baragona's death in 2003 in Safwan, Iraq, when his vehicle was struck by a truck being driven by an employee of the Kuwait & Gulf Link Transport Company (KGL), a Kuwaiti company with hundreds of millions of dollars in U.S. contracts and subcontracts. The hearing will discuss agency suspension and debarment practices as well as obstacles faced by parties in U.S. courts when attempting to hold foreign contractors accountable in certain types of civil and criminal proceedings.

Your testimony should address how this legislation would affect the Department's existing contracts and the Department's capacity to enter into future contracts with foreign contractors. You should also address whether this legislation would impact the Department's mission. You should be prepared to address any barriers the Department faces in ensuring that it is contracting only with those entities responsible in fulfilling their legal and contractual obligations. Finally, your testimony should discuss the Department's view of the Act and the legislation's anticipated effect on the suspension and debarment of foreign contractors.

The Subcommittee requests that you summarize your testimony in 5 minutes, although a longer written statement may be submitted for the official record. This will allow adequate time for you to engage in questions and answers with members of the Subcommittee. Subcommittee rules require that your testimony be submitted by 2:30 P.M. on Monday, November 16, 2009. Please send an electronic copy of your written statement and a brief one page biography to Subcommittee Clerk, Kelsey Stroud, at Kelsey_Stroud@hsgac.senate.gov.

The Subcommittee would like to begin the hearing with testimony from the family of Lieutenant Colonel Rocky Baragona. As a result, we request that you and the other government witnesses testify as part of the hearing's second panel. We appreciate your consideration of this request.

We look forward to your participation in this hearing. Please contact Alan Kahn with Senator McCaskill's Subcommittee staff at (202) 224-3230 or Molly Wilkinson with Senator Bennett's Subcommittee staff at (202) 228-3141 with any questions.

Sincerely,



Senator Claire McCaskill
Chairman
Subcommittee on Contracting Oversight



Senator Robert F. Bennett
Ranking Member
Subcommittee on Contracting Oversight