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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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November 10, 2009

Professor Scott Horton
Lecturer-in-Law
Columbia Law School
435 West 116th Street
New York, NY 10027-7297

Dear Professor Horton:

We are writing to invite you 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 the legal implications of the legislation. You should address the constitutional issues raised by the legislation and the application of the law of armed conflict. Your testimony should also discuss the scope of the legislation and its relationship to status of forces agreements, as well as any other issues that you would like to raise.

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.

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 Bennett
Ranking Member
Subcommittee on Contracting Oversight