

**Opening Statement For
Homeland Security and Governmental Affairs Committee
Business Meeting
Chairman Joe Lieberman
April 28, 2010**

AS PREPARED FOR DELIVERY

Good morning. Before we get to the mark-up agenda, I'd like to inform Committee members about where we stand regarding the subpoenas Senator Collins and I issued to the Administration on April 19 for documents and witnesses related to our investigation into the terrorist attack on Fort Hood last November.

Over the course of five months, Senator Collins and I wrote four letters to the Departments of Justice and Defense seeking information essential to conduct an independent, thorough, and bipartisan inquiry and to fulfill our Constitutional responsibilities for oversight of the Executive Branch.

Our last letter on March 23 limited our request to the most essential documents and witnesses needed to determine if anything could have been done to prevent the deaths of 13 people at Fort Hood, and still the Administration refused to accommodate us.

Therefore, we issued subpoenas on April 19 with a deadline for compliance this past Monday, April 26.

Last Friday, Senator Collins and I spoke with Deputy Defense Secretary William Lynn and reached an accommodation for Committee access to certain DOD documents. But DOD still refuses to provide us with access to witnesses and to other key documents.

On Monday we spoke with Acting Deputy Attorney General Gary Grindler, who agreed to expedite emails from Joint Terrorism Task Force (JTTF) members who made key decisions about alleged shooter Major Nidal Hasan. FBI, however, continues to refuse us access to the witnesses we need to conduct our inquiry.

The Administration's excuse is that it doesn't want to compromise the prosecution of Major Hasan. But Senator Collins and I have repeatedly informed the Administration that we, too, wish to protect the prosecution. Toward that end, and in a final good-faith effort we offered a set of specific protocols to protect the information and witnesses we seek.

Senator Collins and I believe we have a very strong case for obtaining the information we have requested. Our Committee has clear jurisdiction to investigate the Fort Hood matter; there is ample precedent for Congressional interviews of people who may later be called as witnesses for the prosecution; and we are not investigating the circumstances of the shooting but rather what the government knew about Major Hasan long before the shootings.

It is in the public interest that we seek the answers to many outstanding questions. For example, why did the JTTF decide that Hasan's communications with radical Islamist cleric Anwar al-Awlaki were simply "research" and therefore conclude that no investigation was necessary? What information was shared between the JTTF and DOD concerning Hasan? How did Major Hasan's superiors react to his reported public espousal of violent Islamist extremism in the workplace? And why was he transferred to Fort Hood in preparation for deployment to Afghanistan if he was espousing violent Islamist extremism?

Regrettably, the Administration has chosen not to cooperate with us. Worse, the Administration's noncompliance with our subpoenas will set a dangerous precedent that will hinder Congress's ability to conduct oversight concerning the government's performance in future terrorist incidents, as many of those incidents will be followed by criminal investigations.

I urge the Administration to reach an accommodation with us on protocols to protect the prosecution while enabling us to answer for the American people the many outstanding questions that remain about this tragedy so that we can recommend ways to try and avoid another incident like Fort Hood.

Senator Collins?

Are there any questions or comments?

Now, on to the business at hand. Today we have a very full agenda that includes several important bills, six nominees, one resolution, and 15 postal naming bills. I want to briefly mention a few of these items.

The first is the reauthorization of the *Assistance to Firefighters (AFG) and Staffing for Adequate Fire and Emergency Response (SAFER) Grant Programs*. These grants provide critical funding to equip, train, and hire firefighters at fire departments across the country – firefighters who are often the first line of defense against disasters. This bill reflects a consensus proposal that fixes an inequity whereby volunteer fire departments have received funding disproportionate to the populations they protect. The compromise would require that career, volunteer, and combination departments each receive a minimum of 25 percent of the funding.

We also have before us important legislation introduced by Sen. McCaskill, S. 2782, to hold contractors and subcontractors working overseas accountable for causing serious harm to a member of the military, a civilian employee, or a U.S. citizen during the performance of a contract. Contractors would have to agree to personal jurisdiction in U.S. courts for civil actions arising from certain alleged crimes including rape, assault, and serious bodily harm. This legislation stems from the tragic case of a U.S. soldier killed in a car accident that was determined by the Army to be caused by negligence on the part of a Kuwaiti subcontractor.

Senator Kaufman has introduced the *Pre-Election Transition Bill*, S. 3196, to provide resources and encourage major presidential campaigns and the incumbent president to work on the transfer of power *before* a presidential election is decided.

Senator Carper has introduced and Senator Coburn co-sponsored the *Oversight Efficiency and Management Reform Act of 2010*, S. 3167, to strengthen the position of the Director of the Census Bureau by making it a Presidential term appointment of five years, limited to two full terms, and answerable directly to the Commerce Secretary.

We also have the *Pre Disaster Hazard Mitigation Act of 2010*, S. 3249, which reauthorizes a key competitive grant program to state and local governments for projects that will help prevent disaster-related damages.

We have many other important items on the agenda, but I will leave it at that. Senator Collins, would you like to make a statement?