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October 8, 2004

The Honorable Porter J. Goss
Director of Central Intelligence
Central Intelligence Agency
Washington, D.C. 20505

Dear Director Goss:

I am writing to request that you disclose the identities of the U.S. companies that received vouchers to purchase Iraqi oil from Saddam Hussein or otherwise participated in the U.N. Oil for Food program. In particular, I want to know whether the Administration is concealing the involvement of Halliburton or Halliburton subsidiaries in this program and, if so, the authority for this action.

This week, Charles A. Duelfer, the chief U.S. weapons inspector in Iraq, issued a report concluding that there was “no indication that Iraq had resumed fissile material or nuclear weapons research and development activities since 1991.”¹ The report also stated that Mr. Duelfer’s team “has not found evidence that Saddam Hussein possessed WMD stocks in 2003.” These conclusions stand in stark contrast to scores of statements by Administration officials both before and after the invasion.

Mr. Duelfer’s report also addressed abuses by Saddam Hussein of the U.N. Oil for Food program. The report implicated a number of oil and energy services companies in schemes to assist Saddam Hussein in diverting funds away from legitimate humanitarian purposes. It contained a list of all the foreign companies that received vouchers for the purchase of Iraqi oil. But the report concealed the identities of U.S. companies. Although the report claimed that U.S. corporations had 19 different contracts to procure over 66 million barrels of oil from Iraq, the names of these companies were redacted.²

¹ Iraq Survey Group, *Comprehensive Report of the Special Advisor to the DCI on Iraq’s WMD* (Sept. 30, 2004).

² The report states: “The names of US citizens and business entities have been redacted from this report in accordance with provisions of the Privacy Act, 5 U.S.C. 552a, and other applicable law.”

When asked why the Bush Administration concealed the identities of U.S. companies, Mr. Duelfer replied that he had wanted to identify them, but was overruled by the Bush Administration. According to Mr. Duelfer, “it was my point of view to put forward all the data ... because I felt it was important.” But “with respect to the American names,” Mr. Duelfer said, the Administration would not allow it.³

According to Mr. Duelfer, CIA officials warned him that “the Privacy Act ... prohibits the public — putting out publicly American companies’ names.” As he stated: “if someone tells me I’m going to jail for something, I tend to — I listen carefully [T]hey said look, this is the law.”⁴

Contrary to what Mr. Duelfer was informed, however, the Privacy Act does not apply to corporations, but rather to individuals. The U.S. Code defines the term “individual” in the context of the Privacy Act as “a citizen of the United States or an alien lawfully admitted for permanent residence.”⁵ Corporations are not “citizens” under the Privacy Act.

Press accounts indicate that several major U.S. oil and oil services corporations conducted business in Iraq during the Oil for Food program. For example, the two largest U.S. oil companies, Exxon Mobil and ChevronTexaco, “have received subpoenas from a federal prosecutor regarding the U.N.-run oil-for-food program.”⁶ ChevronTexaco “was the biggest U.S. buyer of Iraqi crude, averaging about 135,000 barrels per day in 2001.”⁷ Exxon Mobil, the world’s largest publicly traded oil company, was reportedly “a big buyer of Iraqi crude until the spring of 2002, when U.S. corporate officials came under pressure for buying crude that was widely known to be supplying cash to Saddam Hussein’s regime with a per-barrel surcharge.”⁸ Two other firms, the El Paso Corporation and the Valero Limited Partnership, have also been subpoenaed regarding their involvement in the Oil for Food program.⁹

³ *Hearing of the Senate Armed Services Committee: Duelfer Report on Iraqi Weapons of Mass Destruction Programs*, Federal News Service (Oct. 6, 2004).

⁴ *Id.* See also *Privacy Act, Order Shielded U.S. Names on List*, Washington Post (Oct. 8, 2004) (reporting an unnamed intelligence official purporting to rely on a 1981 executive order regarding intelligence gathering).

⁵ 5 U.S.C. § 552a(a)(2).

⁶ *Exxon, ChevronTexaco Get UN Oil-for-Food Subpoenas*, Reuters (June 18, 2004)

⁷ *Id.*

⁸ *Id.*

⁹ *El Paso Added to Iraq Oil Probe*, Financial Times (Oct. 1, 2004).

Halliburton was also doing business in Iraq, apparently under the Oil for Food program. Halliburton held stakes in two firms that signed contracts to sell more than \$73 million in oil production equipment and spare parts to Iraq while Vice President Cheney was chairman and chief executive officer. In particular, Halliburton exported equipment to Iraq through two subsidiaries: Dresser-Rand and the Ingersoll Dresser Pump Company.¹⁰

These Halliburton contracts came to light after Vice President Cheney claimed they did not exist. Shortly after coming into office in 2000, Vice President Cheney was asked whether "Halliburton through subsidiary companies was actually trying to do business with Iraq." In response, Vice President Cheney replied: "No. No, I had a firm policy that we wouldn't do anything in Iraq, even -- even arrangements that were supposedly legal." When pressed, he was unambiguous, stating: "we've not done any business in Iraq since the sanctions are imposed, and I had a standing policy that I wouldn't do that."¹¹

Ten months ago, the Administration announced that it would restrict contracts for the reconstruction of Iraq to only companies from "coalition partners and force-contributing nations."¹² This unilateral action alienated important allies and weakened our efforts in Iraq. The decision to disclose the identities of foreign corporations and officials, but not the identities of U.S. citizens and companies, is having the same effect.

For these reasons, I ask that the Bush Administration disclose publicly the identities of U.S.-based companies that received vouchers or otherwise did business in Iraq as part of the Oil for Food program. In particular, I would like to know what involvement Halliburton and Halliburton subsidiaries may have had in the Oil for Food program. Finally, I would like to know who in the Administration reviewed and rejected Mr. Duelfer's requests to make public the identity of U.S. corporations involved in this program, as well as the legal basis for this decision.

Sincerely,



Henry A. Waxman
Ranking Minority Member

¹⁰ *Firm's Iraq Deals Greater Than Cheney Has Said*, Washington Post (June 23, 2004).

¹¹ *This Week*, ABC News (July 30, 2000).

¹² Paul Wolfowitz, Deputy Secretary of Defense, *Determination and Findings* (Dec. 5, 2003).