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S. RES. 479

Establishing a special committee administered by the Committee on Governmental Affairs to conduct an investigation involving Halliburton Company and war profiteering, and other related matters.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2004

Mr. LAUTENBERG submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

Establishing a special committee administered by the Committee on Governmental Affairs to conduct an investigation involving Halliburton Company and war profiteering, and other related matters.

1 *Resolved*,

2 **SECTION 1. ESTABLISHMENT OF SPECIAL COMMITTEE.**

3 (a) ESTABLISHMENT.—There is established a special
4 committee administered by the Committee on Govern-
5 mental Affairs to be known as the “Special Committee to
6 Investigate Halliburton, War Profiteering, and Related
7 Matters” (referred to in this resolution as the “special
8 committee”).

1 (b) PURPOSES.—The purposes of the special com-
2 mittee are—

3 (1) to conduct an investigation and public hear-
4 ings into, and study of, whether any contracts
5 awarded to Halliburton, its subsidiaries or affiliates
6 (referred to in this resolution as “Halliburton”) were
7 improperly coordinated by the Vice President’s of-
8 fice, or any other office or component of the execu-
9 tive branch;

10 (2) to conduct an investigation and public hear-
11 ings into, and study of, the propriety of the no-bid
12 Restore Iraqi Oil (“RIO”) Contract awarded to Hal-
13 liburton by the Department of Defense;

14 (3) to conduct an investigation and public hear-
15 ings into, and study of, whether Halliburton over-
16 charged the government for meals, gasoline, and
17 other goods and services, in connection with either—

18 (A) any contract that was not competi-
19 tively bid; or

20 (B) any other contract;

21 (4) to conduct an investigation and public hear-
22 ings into, and study of, whether Halliburton delib-
23 erately or negligently wasted taxpayer funds in order
24 to inflate the value of any “cost-plus” contract;

19 (8) to conduct an investigation and public hear-
20 ings into, and study of, whether Halliburton appro-
21 priately documented its expenses in Iraq;

1 (10) to conduct an investigation and public
2 hearings into, and study of, payments by the De-
3 partment of Defense to Halliburton, including—

(B) whether improper influence was used in determining payments to Halliburton;

10 (11) to conduct an investigation and public
11 hearings into, and study of, whether the Department
12 of Defense improperly allowed Halliburton access to
13 confidential records or discussions in connection with
14 Halliburton's contract negotiations with the Depart-
15 ment of Defense;

16 (12) to conduct an investigation and public
17 hearings into, and study of, Halliburton's financial
18 relationship with the Government of Nigeria or offi-
19 cials of the Government of Nigeria, including—

(A) whether Halliburton paid bribes in connection with business in Nigeria; and

22 (B) if Halliburton did pay such bribes,
23 whether those bribes were used by their recipi-
24 ents to fund illicit activities;

(13) to make such findings of fact as are warranted and appropriate;

10 SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL
11 COMMITTEE.

12 (a) MEMBERSHIP.—

15 (A) the members of the Permanent Sub-
16 committee on Investigations of the Committee
17 on Governmental Affairs;

18 (B) the chairman and ranking member of
19 the Committee on the Judiciary, or their des-
20 ignees from the Committee on the Judiciary;

21 (C) the chairman and ranking member of
22 the Committee on Armed Services.

1 other member of the special committee shall not be
2 taken into account.

3 (b) ORGANIZATION OF SPECIAL COMMITTEE.—

4 (1) CHAIRMAN.—The chairman of the Com-
5 mittee on Armed Services shall serve as the chair-
6 man of the special committee (referred to in this res-
7 olution as the “chairman”).

8 (2) RANKING MEMBER.—The ranking member
9 of the Committee on Armed Services shall serve as
10 the ranking member of the special committee (re-
11 ferred to in this resolution as the “ranking mem-
12 ber”).

13 (3) QUORUM.—A majority of the members of
14 the special committee shall constitute a quorum for
15 the purpose of reporting a matter or recommenda-
16 tion to the Senate. A majority of the members of the
17 special committee, or $\frac{1}{3}$ of the members of the spe-
18 cial committee if at least one member of the minor-
19 ity party is present, shall constitute a quorum for
20 the conduct of other business. One member of the
21 special committee shall constitute a quorum for the
22 purpose of taking testimony.

23 (c) RULES AND PROCEDURES.—

24 (1) IN GENERAL.—Except as otherwise specifi-
25 cally provided in this resolution, the special commit-

1 tee's investigation, study, and hearings shall be gov-
2 erned by the Standing Rules of the Senate and the
3 Rules of Procedure of the Permanent Subcommittee
4 on Investigations of the Committee on Governmental
5 Affairs.

6 (2) ADDITIONAL RULES.—The special com-
7 mittee may adopt additional rules or procedures not
8 inconsistent with this resolution or the Standing
9 Rules of the Senate if the chairman and ranking
10 member agree that such additional rules or proce-
11 dures are necessary to enable the special committee
12 to conduct the investigation, study, and hearings au-
13 thorized by this resolution. Any such additional rules
14 and procedures shall become effective upon publica-
15 tion in the Congressional Record.

16 SEC. 3. STAFF OF THE SPECIAL COMMITTEE.

17 (a) APPOINTMENTS.—To assist the special committee
18 in the investigation, study, and hearings authorized by this
19 resolution, the chairman and the ranking member each
20 may appoint special committee staff, including consult-
21 ants.

22 (b) ASSISTANCE FROM THE SENATE LEGAL COUN-
23 SEL.—To assist the special committee in the investigation,
24 study, and hearings authorized by this resolution, the Sen-
25 ate Legal Counsel and the Deputy Senate Legal Counsel

1 shall work with and under the jurisdiction and authority
2 of the special committee.

3 (c) ASSISTANCE FROM THE COMPTROLLER GEN-
4 ERAL.—The Comptroller General of the United States is
5 requested to provide from the Government Accountability
6 Office whatever personnel or other appropriate assistance
7 as may be required by the special committee, or by the
8 chairman or the ranking member.

9 SEC. 4. PUBLIC ACTIVITIES OF THE SPECIAL COMMITTEE.

10 (a) IN GENERAL.—Consistent with the rights of per-
11 sons subject to investigation and inquiry, the special com-
12 mittee shall make every effort to fulfill the right of the
13 public and Congress to know the essential facts and impli-
14 cations of the activities of officials of the United States
15 Government and other persons and entities with respect
16 to the matters under investigation and study, as described
17 in section 1.

18 (b) DUTIES.—In furtherance of the right of the pub-
19 lic and Congress to know, the special committee—

20 (1) shall hold, as the chairman (in consultation
21 with the ranking member) considers appropriate and
22 in accordance with paragraph 5(b) of rule XXVI of
23 the Standing Rules of the Senate, hearings on spe-
24 cific subjects;

5 (A) a description of all relevant factual de-
6 terminations; and

9 SEC. 5. POWERS OF THE SPECIAL COMMITTEE.

10 (a) IN GENERAL.—The special committee shall do ev-
11 erything necessary and appropriate under the laws and the
12 Constitution of the United States to conduct the investiga-
13 tion, study, and hearings authorized by section 1.

14 (b) EXERCISE OF AUTHORITY.—The special com-
15 mittee may exercise all of the powers and responsibilities
16 of a committee under rule XXVI of the Standing Rules
17 of the Senate and section 705 of the Ethics in Government
18 Act of 1978, including the following:

1 member of the special committee designated by the
2 chairman, and may be served by any person des-
3 ignated by the chairman or the authorized member
4 anywhere within or outside of the borders of the
5 United States to the full extent permitted by law.
6 The chairman, or any other member of the special
7 committee, is authorized to administer oaths to any
8 witnesses appearing before the special committee. If
9 a return on a subpoena or order for the production
10 of documentary or physical evidence is incomplete or
11 accompanied by an objection, the chairman (in con-
12 sultation with the ranking member) may convene a
13 meeting or hearing to determine the adequacy of the
14 return and to rule on the objection. At a meeting or
15 hearing on such a return, one member of the special
16 committee shall constitute a quorum. The special
17 committee shall not initiate procedures leading to
18 civil or criminal enforcement of a subpoena unless
19 the person or entity to whom the subpoena is di-
20 rected refuses to produce the required documentary
21 or physical evidence after having been ordered and
22 directed to do so.

23 (2) COMPENSATION AUTHORITY.—To employ
24 and fix the compensation of such clerical, investiga-
25 tory, legal, technical, and other assistants as the spe-

1 cial committee, or the chairman or the ranking mem-
2 ber, considers necessary or appropriate.

3 (3) MEETINGS.—To sit and act at any time or
4 place during sessions, recesses, and adjournment pe-
5 riods of the Senate.

6 (4) HEARINGS.—To hold hearings, take testi-
7 mony under oath, and receive documentary or phys-
8 ical evidence relating to the matters and questions it
9 is authorized to investigate or study. Unless the
10 chairman and the ranking member otherwise agree,
11 the questioning of a witness or a panel of witnesses
12 at a hearing shall be limited to one initial 30-minute
13 turn each for the chairman and the ranking mem-
14 ber, or their designees, including majority and mi-
15 nority staff, and thereafter to 10-minute turns by
16 each member of the special committee if 5 or more
17 members are present, and to 15-minute turns by
18 each member of the special committee if fewer than
19 5 members are present. A member may be permitted
20 further questions of the witness or panel of wit-
21 nesses, either by using time that another member
22 then present at the hearing has yielded for that pur-
23 pose during the yielding member's turn, or by using
24 time allotted after all members have been given an
25 opportunity to question the witness or panel of wit-

nesses. At all times, unless the chairman and the ranking member otherwise agree, the questioning shall alternate back and forth between members of the majority party and members of the minority party. In their discretion, the chairman and the ranking member, respectively, may designate majority or minority staff to question a witness or a panel of witnesses at a hearing during time yielded by a member of the chairman's or the ranking member's party then present at the hearing for his or her turn.

1 order for a grant of immunity by the special com-
2 mittee, the Senate Legal Counsel shall cause to be
3 delivered to the independent counsel a written re-
4 quest asking the independent counsel promptly to in-
5 form the special committee in writing if, in the judg-
6 ment of the independent counsel, the grant of immu-
7 nity would interfere with the ability of the inde-
8 pendent counsel successfully to prosecute criminal
9 violations. The Senate Legal Counsel's written re-
10 quest of the independent counsel required by this
11 paragraph shall be in addition to all notice require-
12 ments set forth in sections 6002 and 6005 of title
13 18, United States Code.

14 (7) DEPOSITIONS.—To take depositions and
15 other testimony under oath anywhere within the
16 United States, to issue orders that require witnesses
17 to answer written interrogatories under oath, and to
18 make application for the issuance of letters rogatory.
19 All depositions shall be conducted jointly by majority
20 and minority staff of the special committee. A wit-
21 ness at a deposition shall be examined upon oath ad-
22 ministered by a member of the special committee or
23 an individual authorized by local law to administer
24 oaths, and a complete transcription or electronic re-
25 cording of the deposition shall be made. Questions

1 shall be propounded first by majority staff of the
2 special committee and then by minority staff of the
3 special committee. Any subsequent round of ques-
4 tioning shall proceed in the same order. Objections
5 by the witness as to the form of questions shall be
6 noted for the record. If a witness objects to a ques-
7 tion and refuses to answer on the basis of relevance
8 or privilege, the special committee staff may proceed
9 with the deposition, or may, at that time or at a
10 subsequent time, seek a ruling on the objection from
11 the chairman. If the chairman overrules the objec-
12 tion, the chairman may order and direct the witness
13 to answer the question, but the special committee
14 shall not initiate procedures leading to civil or crimi-
15 nal enforcement unless the witness refuses to answer
16 after having been ordered and directed to answer.

17 (8) DELEGATIONS TO STAFF.—To issue com-
18 missions and to notice depositions for staff members
19 to examine witnesses and to receive evidence under
20 oath administered by an individual authorized by
21 local law to administer oaths. The special committee,
22 or the chairman with the concurrence of the ranking
23 member, may delegate to designated staff members
24 of the special committee the power to issue deposi-
25 tion notices authorized pursuant to this paragraph.

3 (A) any department, agency, entity, officer,
4 or employee of the United States Government;

5 (B) any person or entity purporting to act
6 under color or authority of State or local law;

7 or

10 to produce for consideration by the special com-
11 mittee or for use as evidence in the investigation,
12 study, or hearings of the special committee, any
13 book, check, canceled check, correspondence, com-
14 munication, document, financial record, paper, phys-
15 ical evidence, photograph, record, recording, tape, or
16 any other material relating to any of the matters or
17 questions that the special committee is authorized to
18 investigate and study which any such person or enti-
19 ty may possess or control.

20 (10) RECOMMENDATIONS TO THE SENATE.—To
21 make to the Senate any recommendations, by report
22 or resolution, including recommendations for crimi-
23 nal or civil enforcement, which the special committee
24 may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or to answer interrogatories, in compliance with a subpoena or order;

(B) the willful failure or refusal of any person to answer questions or give testimony during the appearance of that person as a witness before the special committee, or at a deposition, or in response to interrogatories; or

(C) the willful failure or refusal of—

11 (i) any officer or employee of the
12 United States Government;

(ii) any person or entity purporting to act under color or authority of State or local law; or

16 (iii) any private person, partnership,
17 firm, corporation, or organization;

18 to produce before the special committee, or at
19 a deposition, or at any time or place designated
20 by the committee, any book, check, canceled
21 check, correspondence, communication, docu-
22 ment, financial record, paper, physical evidence,
23 photograph, record, recording, tape, or any
24 other material in compliance with any subpoena
25 or order.

22 (14) ACCESS TO INFORMATION AND EVI-
23 DENCE.—To permit any members of the special
24 committee, staff director, counsel, or other staff
25 members or consultants designated by the chairman

1 or the ranking member, access to any data, evidence,
2 information, report, analysis, document, or paper—

3 (A) that relates to any of the matters or
4 questions that the special committee is author-
5 ized to investigate or study under this resolu-
6 tion;

7 (B) that is in the custody or under the
8 control of any department, agency, entity, offi-
9 cer, or employee of the United States Govern-
10 ment, including those which have the power
11 under the laws of the United States to inves-
12 tigate any alleged criminal activities or to pros-
13 ecute persons charged with crimes against the
14 United States without regard to the jurisdiction
15 or authority of any other Senate committee or
16 subcommittee; and

17 (C) that will assist the special committee
18 to prepare for or conduct the investigation,
19 study, and hearings authorized by this resolu-
20 tion.

21 (15) REPORTS OF VIOLATIONS OF LAW.—To re-
22 port possible violations of any law to appropriate
23 Federal, State, or local authorities.

24 (16) EXPENDITURES.—To expend, to the ex-
25 tent that the special committee determines necessary

1 and appropriate, any money made available to the
2 special committee by the Senate to carry out this
3 resolution.

4 (17) TAX RETURN INFORMATION.—To inspect
5 and receive, in accordance with the procedures set
6 forth in sections 6103(f)(3) and 6104(a)(2) of the
7 Internal Revenue Code of 1986, any tax return or
8 tax return information, held by the Secretary of the
9 Treasury, if access to the particular tax-related in-
10 formation sought is necessary to the ability of the
11 special committee to carry out section 1(b)(3)(B).

12 **SEC. 6. PROTECTION OF CONFIDENTIAL INFORMATION.**

13 (a) NONDISCLOSURE.—No member of the special
14 committee or the staff of the special committee shall dis-
15 close, in whole or in part or by way of summary, to any
16 person other than another member of the special com-
17 mittee or other staff of the special committee, for any pur-
18 pose or in connection with any proceeding, judicial or oth-
19 erwise, any testimony taken, including the names of wit-
20 nesses testifying, or material presented, in depositions or
21 at closed hearings, or any confidential materials or infor-
22 mation, unless authorized by the special committee or the
23 chairman in concurrence with the ranking member.

24 (b) STAFF NONDISCLOSURE AGREEMENT.—All mem-
25 bers of the staff of the special committee with access to

1 confidential information within the control of the special
2 committee shall, as a condition of employment, agree in
3 writing to abide by the conditions of this section and any
4 nondisclosure agreement promulgated by the special com-
5 mittee that is consistent with this section.

6 (c) SANCTIONS.—

7 (1) MEMBER SANCTIONS.—The case of any
8 Senator who violates the security procedures of the
9 special committee may be referred to the Select
10 Committee on Ethics of the Senate for investigation
11 and the imposition of sanctions in accordance with
12 the rules of the Senate.

13 (2) STAFF SANCTIONS.—Any member of the
14 staff of the special committee who violates the secu-
15 rity procedures of the special committee shall imme-
16 diately be subject to removal from office or employ-
17 ment with the special committee or such other sanc-
18 tion as may be provided in any rule issued by the
19 special committee consistent with section 2(c).

20 (d) STAFF DEFINED.—For purposes of this section,
21 the term “staff of the special committee” includes—

22 (1) all employees of the special committee;
23 (2) all staff designated by the members of the
24 special committee to work on special committee busi-
25 ness;

6 (5) all detailees and consultants to the special
7 committee.

8 SEC. 7. RELATION TO OTHER INVESTIGATIONS.

9 (a) PURPOSES.—The purposes of this section are—

16 (3) to engender a high degree of confidence on
17 the part of the public regarding the conduct of such
18 investigation, study, and hearings.

19 (b) SPECIAL COMMITTEE ACTIONS.—To carry out
20 the purposes stated in subsection (a), the special com-
21 mittee is encouraged—

22 (1) to obtain relevant information concerning
23 the status of the investigation of the independent
24 counsel, to assist in establishing a hearing schedule
25 for the special committee; and

4 SEC. 8. SALARIES AND EXPENSES.

5 A sum equal to not more than \$1,000,000 for the
6 period beginning on the date of adoption of this resolution
7 and ending on February 28, 2006, shall be made available
8 from the contingent fund of the Senate out of the Account
9 for Expenses for Inquiries and Investigations for payment
10 of salaries and other expenses of the special committee
11 under this resolution, which shall include not more than
12 \$750,000 for the procurement of the services of individual
13 consultants or organizations thereof, in accordance with
14 section 5(b)(11). Payment of expenses shall be disbursed
15 upon vouchers approved by the chairman, except that
16 vouchers shall not be required for the disbursement of sal-
17 aries paid at an annual rate.

18 SEC. 9. REPORTS; TERMINATION.

19 (a) COMPLETION OF DUTIES.—

20 (1) IN GENERAL.—The special committee shall
21 make every reasonable effort to complete, not later
22 than February 1, 2006, the investigation, study, and
23 hearings authorized by section 1.

24 (2) EVALUATION OF PROGRESS.—The special
25 committee shall evaluate the progress and status of

1 the investigation, study, and hearings authorized by
2 section 1 and, not later than January 15, 2006,
3 make recommendations with respect to the author-
4 ization of additional funds for a period following
5 February 28, 2006. If the special committee re-
6 questes the authorization of additional funds for a pe-
7 riod following February 28, 2006, the majority lead-
8 er and the minority leader shall meet and determine
9 the appropriate timetable and procedures for the
10 Senate to vote on any such request.

11 (b) FINAL REPORT.—

12 (1) SUBMISSION.—The special committee shall
13 promptly submit a final public report to the Senate
14 of the results of the investigation, study, and hear-
15 ings conducted by the special committee pursuant to
16 this resolution, together with its findings and any
17 recommendations.

18 (2) CONFIDENTIAL INFORMATION.—The final
19 report of the special committee may be accompanied
20 by such confidential annexes as are necessary to pro-
21 tect confidential information.

22 (3) CONCLUSION OF BUSINESS.—After submis-
23 sion of its final report, the special committee shall
24 promptly conclude its business and close out its af-
25 fairs.

1 (c) RECORDS.—Upon the conclusion of the special
2 committee's business and the closing out of its affairs, all
3 records, files, documents, and other materials in the pos-
4 session, custody, or control of the special committee shall
5 remain under the control of the Permanent Subcommittee
6 on Investigations of the Committee on Governmental Af-
7 fairs.

8 **SEC. 10. COMMITTEE JURISDICTION AND RULE XXV.**

9 The jurisdiction of the special committee is granted
10 pursuant to this resolution, notwithstanding the provisions
11 of paragraph 1 of rule XXV of the Standing Rules of the
12 Senate relating to the jurisdiction of the standing commit-
13 tees of the Senate.

