

109TH CONGRESS
1ST SESSION

H. R. 1092

To require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mr. FLAKE (for himself, Mr. PENCE, Mr. HUNTER, Mr. PETERSON of Minnesota, Mr. SENSENBRENNER, Mr. GORDON, Mr. BURTON of Indiana, Mr. MATHESON, Mr. DOOLITTLE, Mr. CANTOR, Mr. SMITH of New Jersey, Mr. CHABOT, Mr. PAUL, Mrs. JO ANN DAVIS of Virginia, Mr. McCOTTER, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. McCAUL of Texas, Mr. AKIN, Mr. BAKER, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BEAUPREZ, Mr. BRADLEY of New Hampshire, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. CALVERT, Mr. CARTER, Mr. CHOCOLA, Mr. CULBERSON, Mr. MARIO DIAZ-BALART of Florida, Mr. DUNCAN, Mr. EVERETT, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Ms. HART, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mrs. KELLY, Mr. KING of Iowa, Mr. KLINE, Mr. McHENRY, Mr. MILLER of Florida, Mr. MURPHY, Mr. NEUGEBAUER, Mr. OTTER, Mr. REHBERG, Mr. RYAN of Wisconsin, Mr. SAXTON, Mr. SHUSTER, Mr. SIMPSON, Mr. SODREL, and Mr. TERRY) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United Nations Oil-
5 for-Food Accountability Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Allegations have been raised of substantial
9 fraud and corruption in the administration of the
10 Office of the Iraq Oil-for-Food Program of the
11 United Nations.

12 (2) The United Nations received 2.2 percent of
13 the proceeds of the sale of the oil exported from Iraq
14 under the oil-for-food program, representing ap-
15 proximately \$1,400,000,000, to fund the administra-
16 tive costs of the program.

17 (3) The Government Accountability Office esti-
18 mates that during the period from 1997 through
19 2002, the former Iraqi regime received
20 \$10,100,000,000 in illegal revenues from the oil-for-
21 food program, including \$5,700,000,000 received
22 from oil smuggled out of Iraq and \$4,400,000,000
23 received from surcharges on oil sales and illicit com-
24 missions from suppliers exporting goods to Iraq.

1 (4) Any illicit activity by United Nations offi-
2 cials, personnel, agents, or contractors, including en-
3 tities that have entered into contracts under the oil-
4 for-food program, is unacceptable and should be
5 thoroughly investigated.

6 (5) Documents in the files of the former Oil
7 Ministry of Iraq indicate that Benon Sevan, the Ex-
8 ecutive Director of the oil-for-food program, and
9 other senior United Nations officials may have been
10 connected to an illicit scheme in which approxi-
11 mately 270 prominent foreign officials, business peo-
12 ple, and political entities received the right to trade
13 in Iraqi oil at below-market prices.

14 (6) On April 21, 2004, the United Nations Se-
15 curity Council adopted Resolution 1538, which es-
16 tablished a high-level inquiry into allegations regard-
17 ing the administration of the oil-for-food program.
18 The inquiry is being led by Paul Volcker, but the in-
19 vestigators do not have subpoena power.

20 (7) On January 18, 2005, Samir A. Vincent,
21 who was acting as an unregistered Iraqi agent, be-
22 came the first person convicted in connection with
23 the oil-for-food program.

24 (8) The ability and credibility of the United Na-
25 tions Security Council to act in matters of war and

1 peace is threatened by the alleged influence of politi-
2 cally connected individuals, companies, and institu-
3 tions of the permanent member states who received
4 Iraqi oil contracts.

5 (9) The ability and credibility of the United Na-
6 tions to convey legitimacy to the new Government of
7 Iraq and assist in the reconstruction of postwar Iraq
8 is hampered by these allegations of United Nations
9 corruption and mismanagement in the oil-for-food
10 program.

11 **SEC. 3. OIL-FOR-FOOD PROGRAM DEFINED.**

12 In this Act, the term “oil-for-food program” means
13 the program established and administered pursuant to
14 United Nations Security Council Resolution 986 (April 14,
15 1995) and subsequent United Nations resolutions to per-
16 mit the sale of petroleum products exported from Iraq and
17 to use the revenue generated from such sale for humani-
18 tarian assistance.

19 **SEC. 4. PAYMENT OF UNITED STATES CONTRIBUTIONS FOR**
20 **UNITED NATIONS REGULAR BUDGET CONTIN-**
21 **MENT UPON PRESIDENTIAL CERTIFICATION**
22 **OF UNITED NATIONS COOPERATION.**

23 (a) WITHHOLDING OF PORTION OF ASSESSED CON-
24 TRIBUTIONS.—Until the President submits to Congress a
25 certification that satisfies the requirements described in

1 subsection (b), amounts shall be withheld from amounts
2 appropriated for contributions to international organiza-
3 tions as follows:

4 (1) Of the funds appropriated for contributions
5 to international organizations in an Act making ap-
6 propriations for fiscal year 2006, 10 percent of the
7 amount available for United States assessed con-
8 tributions to the regular budget of the United Na-
9 tions for such fiscal year.

10 (2) Of the funds appropriated for contributions
11 to international organizations in an Act making ap-
12 propriations for fiscal year 2007, 20 percent of the
13 amount available for United States assessed con-
14 tributions to the regular budget of the United Na-
15 tions for such fiscal year.

16 (b) CERTIFICATION.—The certification referred to in
17 subsection (a) is a certification made by the President to
18 Congress that—

19 (1) the United Nations has in effect procedures
20 that provide the General Accounting Office access to
21 all documents relating to the oil-for-food program so
22 that the Comptroller General may perform nation-
23 ally mandated reviews of United Nations operations;

24 (2) the United Nations Secretary General has
25 formally confirmed that the United Nations will not

1 assert the inviolability of United Nations papers and
2 internal records that concern the oil-for-food pro-
3 gram or a sanction imposed on Iraq related to the
4 oil-for-food program;

5 (3) the United Nations Secretary General has
6 authorized the release to the law enforcement au-
7 thorities of any member state of the United Nations
8 authentic copies of any document in the possession
9 of the United Nations, including any document in
10 the possession of a person who was engaged on a
11 contract basis to provide goods or services to the
12 United Nations, that in the judgment of the request-
13 ing authority directly or indirectly concerns the oil-
14 for-food program or a sanction imposed on Iraq re-
15 lated to the oil-for-food program upon request by
16 such law enforcement authority;

17 (4) the United Nations has waived any immu-
18 nity enjoyed by any United Nations official from the
19 judicial process in the United States for any civil or
20 criminal acts or omissions under Federal or State
21 law that may have transpired within the jurisdiction
22 of the United States in connection with the oil-for-
23 food program; and

24 (5) any United Nations official who benefitted
25 financially from the oil-for-food program has reim-

1 bursed the Government of Iraq and any other entity
2 affected by the illicit activity of such official the full
3 amount that such official improperly received from
4 the oil-for-food program.

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