

DECEMBER 28, 2007.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
The Capitol, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit H.R. 1585, the "National Defense Authorization Act for Fiscal Year 2008," and a Memorandum of Disapproval thereon received from the White House on December 28, 2007, at 3:25 p.m.

With best wishes, I am  
Sincerely,

LORRAINE C. MILLER,  
Clerk of the House.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110-88)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 1585, the "National Defense Authorization Act for Fiscal Year 2008," because it would imperil billions of dollars of Iraqi assets at a crucial juncture in that nation's reconstruction efforts and because it would undermine the foreign policy and commercial interests of the United States.

The economic security and successful reconstruction of Iraq have been top priorities of the United States. Section 1083 of H.R. 1585 threatens those key objectives. Immediately upon enactment, section 1083 would risk the freezing of substantial Iraqi assets in the United States—including those of the Development Fund for Iraq (DFI), the Central Bank of Iraq (CBI), and commercial entities in the United States in which Iraq has an interest. Section 1083 also would expose Iraq to new liability of at least several billion dollars by undoing judgments favorable to Iraq, by foreclosing available defenses on which Iraq is relying in pending litigation, and by creating a new Federal cause of action backed by the prospect of punitive damages to support claims that may previously have been foreclosed. This new liability, in turn, will only increase the potential for immediate entanglement of Iraqi assets in the United States. The aggregate financial impact of these provisions on Iraq would be devastating.

While my Administration objected to an earlier version of this provision in previous communications about the bill, its full impact on Iraq and on our relationship with Iraq has become apparent only in recent days. Members of my Administration are working with Members of Congress to fix this flawed provision as soon as possible after the Congress returns.

Section 1083 would establish unprecedented legal burdens on the allocation of Iraq's funds to where they are most needed. Since the fall of Saddam Hus-

sein, I have issued Executive Orders to shield from entanglement in lawsuits the assets of the DFI and the CBI. I have taken these steps both to uphold international legal obligations of the United States and to remove obstacles to the orderly reconstruction of Iraq. Section 1083 potentially would place these crucial protections of Iraq's core assets in immediate peril, by including a provision that might be misconstrued to supersede the protections I have put in place and to permit the judicial attachment of these funds. Iraq must not have its crucial reconstruction funds on judicial hold while lawyers argue and courts decide such legal assertions.

Moreover, section 1083 would permit plaintiffs to obtain liens on certain Iraqi property simply by filing a notice of pending action. Liens under section 1083 would be automatic upon filing a notice of a pending claim in a judicial district where Iraq's property is located, and they would reach property up to the amount of the judgment plaintiffs choose to demand in their complaints. Such pre-judgment liens, entered before claims are tested and cases are heard, are extraordinary and have never previously been available in suits in U.S. courts against foreign sovereigns. If permitted to become law, even for a short time, section 1083's attachment and lien provisions would impose grave—indeed, intolerable—consequences on Iraq.

Section 1083 also includes provisions that would expose Iraq to increased liability in lawsuits. Contrary to international legal norms and for the first time in U.S. history, a foreign sovereign would be liable for punitive damages under section 1083. Section 1083 removes defenses common for defendants in the United States—including *res judicata*, collateral estoppel, and statutes of limitation—upon which the Iraqi government has relied. And section 1083 would attempt to revive a \$959 million judgment against the new democratic Government of Iraq based on the misdeeds of the Saddam Hussein regime.

Exposing Iraq to such significant financial burdens would weaken the close partnership between the United States and Iraq during this critical period in Iraq's history. If Iraq's assets are frozen, even temporarily, that could reduce confidence in the Iraqi dinar and undermine the success of Iraq's monetary policy. By potentially forcing a close U.S. ally to withdraw significant funds from the U.S. financial system, section 1083 would cast doubt on whether the United States remains a safe place to invest and to hold financial assets. Iraqi entities would be deterred from engaging in commercial partnerships with U.S. businesses for fear of entangling assets in lawsuits. Section 1083 would be viewed with alarm by the international community and would invite reciprocal action against United States assets abroad.

The adjournment of the Congress has prevented my return of H.R. 1585 with-

in the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to "pocket veto" bills during an adjournment of the Congress, I am also sending H.R. 1585 to the Clerk of the House of Representatives, along with this memorandum setting forth my objections, to avoid unnecessary litigation about the non-enactment of the bill that results from my withholding approval and to leave no doubt that the bill is being vetoed.

This legislation contains important authorities for the Department of Defense, including authority to provide certain additional pay and bonuses to servicemembers. Although I continue to have serious objections to other provisions of this bill, including section 1079 relating to intelligence matters, I urge the Congress to address the flaw in section 1083 as quickly as possible so I may sign into law the National Defense Authorization Act for Fiscal Year 2008, as modified. I also urge the Congress to ensure that any provisions affecting servicemember pay and bonuses, as well as provisions extending expiring authorities, are retroactive to January 1, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, December 28, 2007.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

MOTION OFFERED BY MR. HOYER

Mr. HOYER. Madam Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Hoyer moves that the veto message of the President, together with the accompanying bill, H.R. 1585, be referred to the Committee on Armed Services.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to refer.

There was no objection.

The SPEAKER pro tempore. The question is on the motion.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Accordingly, the veto message and the bill will be referred to the Committee on Armed Services.

RESIGNATION AS MEMBER OF COMMITTEE ON FOREIGN AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Foreign Affairs:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 18, 2007.

Hon. NANCY PELOSI,  
Speaker of the House, House of Representatives.

DEAR SPEAKER PELOSI: This letter serves as a notice of resignation from the Foreign

Affairs Committee, effective today. At a time when our country has troops deployed in the field fighting against those who would perpetrate harm against our people, it was an honor to return, although briefly, to the House Committee on Foreign Affairs where these critical issues of national security are considered.

Sincere regards,

ROY BLUNT,  
*Republican Whip.*

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4, rule I, the following enrolled bill was signed by Speaker pro tempore VAN HOLLEN on Friday, January 4, 2008:

H.R. 2640, to improve the National Instant Criminal Background Check System, and for other purposes.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2768, SUPPLEMENTAL MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE ACT OF 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110-508) on the resolution (H. Res. 918) providing for consideration of the bill (H.R. 2768) to establish improved mandatory standards to protect miners during emergencies, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### H-2B VISAS

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, I rise to call upon my leadership to address an urgent need in my district that is affecting other areas across the country as well.

Two weeks ago, the cap on H-2B immigration visas for seasonal workers was reached. Consequently, many family-owned businesses that depend on such employees will be without the workforce they need to stay in business.

I support raising the cap on H-2B visas permanently and incorporating this change into broader immigration reform. Regrettably, partisanship blocked reform in the Senate last year. We must resolve to enact these smaller scale remedies we can agree upon today to alleviate the burden our broken immigration system imposes upon businesses as we continue to address economic and security challenges required to enact broader reform.

In the absence of such a consensus, and although I would prefer a vote on broader reform, I ask my colleagues to join me in supporting the Save Our Small and Seasonal Businesses Act and

related measures that would relieve business owners of the immediate threat caused by the freeze on H-2B visas. We cannot leave small businesses that want to do the right thing with the unacceptable choice of going out of business or hiring illegal workers.

#### CELEBRATING THE RETIREMENT OF REV. ROGER BAKER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today to honor a faithful pastor who served a growing and vibrant church for 32 years. Rev. Roger Baker, who is retiring from ministry at Calvary Baptist Church in King, North Carolina, has given his life to ministry in the church and the surrounding community.

When my friend Rev. Baker first began pastoring at Calvary Baptist 32 years ago, it was a congregation of about 75. Today, the church has grown to nearly 900 under his astute leadership and pastoral care.

During Rev. Baker's tenure, the church started a local Christian school, Calvary Christian School; and he also founded a seminary to educate the next generation of church leadership.

As president of Calvary Baptist Bible College, Rev. Baker has helped to equip many for the role of pastoral teaching and care. He will continue to serve as a teaching professor at the seminary after his retirement.

Men like Rev. Baker do not often come along. His faithful witness in the community and sterling Christian testimony have touched countless lives as he strives to spread the good news. This man is not only a great pastor; he is a faithful Christian.

I congratulate Rev. Baker on his 32 years of service and wish him the very best in his kingdom work during retirement. The people of Calvary Baptist have been fortunate to call him their own.

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#### IT IS TIME FOR AN ECONOMIC STIMULUS PACKAGE TO HELP HOMEOWNERS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Today, Madam Speaker, we have the honor of celebrating the birthday of Dr. Martin Luther King. I am reminded of the 40th year of his death and what he was committed to, that is, the equality of all people, the economic equality. And that is why in 1968 he was bringing to Washington poor people from around America.

It is time for an economic stimulus package, and the United States Congress must respond to the pain of the American people who are losing their

homes. An immediate moratorium on those who are being foreclosed on, an infusion of capital to help them save their homes, and a freeze on the adjustable rates of these individuals who are suffering, who have invested in their homes, paid for their homes, and are the victims of scandalous and unscrupulous individuals who would take advantage of them.

Let us keep the dream alive and fight for those who have invested in the American Dream. Let us put forward an economic stimulus package that will save the American people and their homes and really say that America is going toward the promised land.

Happy birthday, Dr. Martin Luther King. Thank you so very much for all that you have done for all America.

#### “MY RELIGION MADE ME DO IT”

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, murder in the name of religion has struck again. This time it happened in Dallas, Texas.

On New Year's Day law enforcement officials found the bullet-riddled bodies of two teenage sisters, 17-year-old Sarah Said and 18-year-old Amina Said. They were found in the back seat of their father's taxicab.

Now their father, Yaser Said, a Muslim and an Egyptian-born immigrant, is on the run. Authorities believe he murdered the girls after he found out they had American boyfriends.

Family members say the murder was motivated by a Muslim tradition known as “honor killing.” According to this tradition, religious extremists justify homicide in the name of religion in order to correct the “shame” that a family member has brought on the family.

Well, in the United States it is absolutely never acceptable, let alone honorable, to murder your own kids. This criminal needs to be tried and sent to prison. We live in a Nation that values life and liberty. And no father has a right to kill his daughters and try to claim the defense, “My religion made me do it.”

And that's just the way it is.

#### CONGRATULATIONS TO THE MEMPHIS LIBRARY AND INFORMATION CENTER

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, on Monday morning five libraries and five museums throughout the country were honored with medals at a ceremony that was presided over by Mrs. Laura Bush.

The Memphis Library and Information Center was one of the five libraries and the only big city library to be honored. I was honored to have nominated them for that recognition and honored to be there with them when the library was so recognized.