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Setting the Record Straight: Defense Authorization Bill Veto Necessary to Secure Gains in Iraq

Administration Committed To Working Quickly With Congress To Secure Military Pay Raise And Provide Technical Fix Protecting Political And Economic Progress That Is Critical To Bringing Our Troops Home

"Members of Congress on both sides of the aisle have acknowledged the importance of political and economic progress  [White House News](#) in Iraq, yet Congressional Democrats are now decrying the President's action to keep a flawed provision in the defense authorization bill from unacceptably interfering with progress that is critical to bringing our troops home. The Administration is committed to working quickly with Congress as soon as they return to fix this provision and ensure the gains our troops have fought for in Iraq are not endangered."

— White House Deputy Press Secretary Scott Stanzel, 12/28/07

Senate Majority Leader Harry Reid (D-NV) And House Speaker Nancy Pelosi (D-CA) Have Acknowledged The Importance Of Political Progress In Iraq, Yet Today Inconsistently Call A Veto Of The National Defense Authorization Act (NDAA) "Needless" ("Pelosi And Reid Condemn Bush Plan To Veto Of Defense Authorization Bill," Press Release, 12/28/07)

- **Provisions included in the NDAA will hurt the interests of the United States by unacceptably interfering with political and economic progress in Iraq that is critically important to bringing our troops home.**
- **By tying up Iraqi assets in litigation, Section 1083 of the NDAA would have a potentially devastating impact on the democratically elected Government of Iraq.** Among other things, Section 1083 of the NDAA was crafted to allow plaintiffs' lawyers pursuing claims against Iraq for Saddam-era acts of terrorism to freeze Iraq's assets in the amount of damages claimed in their lawsuits, and would permit the relitigation of billions of dollars of lawsuits against Iraq that have already been dismissed by our courts.
- **Section 1083 would allow plaintiffs' lawyers to tie up billions of dollars in Iraqi funds for reconstruction that our troops in the field depend on to maintain security gains.**
- **Section 1083 would also pose extraordinarily grave financial risks to Iraq at a crucial juncture in that nation's reconstruction efforts.**

Sen. Reid And Speaker Pelosi's Opposition To A Veto Of The NDAA Is Inconsistent With Their Previous Statements About The Importance Of Political Progress In Iraq

- **Sen. Reid called political reconciliation the "primary goal" in Iraq.** (Sheryl Gay Stolberg, "Bush Sees Iraq Progress From Troop Buildup," *The New York Times*, 11/3/07)
- **Speaker Pelosi acknowledged "the purpose of the surge was to create a secure environment in which the Iraqi government would have the opportunity to make political change."** (Speaker Nancy Pelosi, Press Conference, U.S. Capitol, 11/15/07)

Sen. Reid And Speaker Pelosi Also Misleadingly Claim The President's Veto Would "Needlessly [Delay] Implementation Of The Troops' Pay Raise" Authorized By The NDAA

- **Even without the NDAA, our troops will receive a 3 percent pay raise as of January 1.** The NDAA includes authorization for a 0.5 percent additional pay raise for U.S. troops.
- **The Administration has committed to acting quickly with Congress to ensure the full 3.5 percent military pay raise provided by the NDAA will go into effect as quickly as possible and be retroactive to January 1.**

In Addition, Sen. Carl Levin (D-MI) Wrongly Claims "The Administration Failed To Identify The Concerns Upon Which This Veto Is Based Until After The Bill Had Passed Both Houses" (Sen. Carl Levin, Statement On The President's Veto Of The National Defense Authorization Act, Press Release, 12/28/07)

- **The Administration raised serious objections to this proposal during the legislative process and commented on its potential adverse impact on Iraq.**
 - **Letter From Attorney General Michael Mukasey, 11/13/07:** "Section 1087 of the Senate version [which contained similar objectionable provisions as Section 1083 of the enrolled bill] would disturb the tradition of official immunity by extending [the Foreign Sovereign Immunities Act's] statutory abrogation of immunity to official foreign acts that, unlike the acts currently covered by the FSIA, the United States has long treated as immune in accordance with international law absent an Executive branch recommendation to the contrary. For these legal reasons, as well as many policy reasons, we have grave concerns about whether this provision should be enacted. Paragraph (d)(2), seems intended to revive a case against Iraq... Reinstatement of this case would result in the resuscitation of asserted claims of almost a billion dollars against the Government of Iraq, which could disrupt current foreign policy economic recovery initiatives in that region." (Attorney General Michael Mukasey, Letter To Senate Armed Services Committee Chairman Carl Levin, 11/13/07)
 - **Letter From State Department Assistant Secretary For Legislative Affairs Jeffrey**

Bergner, 10/30/07: "[T]he Administration strongly opposes section 1087. The Administration urges conferees to strike these provisions as they are also not germane to this bill and warrant careful consideration by committees of relevant jurisdiction and close consultation with the Administration." (Assistant Secretary For Legislative Affairs Jeffrey T. Bergner, Letter To Senate Armed Services Committee Chairman Carl Levin, 10/30/07)

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