the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, S. 3283.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate having proceeded to reconsider the bill (S. 2040) ''An Act to deter terrorism, provide justice for victims, and for other purposes.'', returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

The message also announced that pursuant to Public Law 110–315, the Chair, on behalf of the President pro tempore, announces the re-appointment of the following individual to be a member of the National Advisory Committee on Institutional Quality and Integrity: Dr. Paul LeBlanc of New Hampshire.

JUSTICE AGAINST SPONSORS OF TERRORISM ACT—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the Senate:

The Senate having proceeded to reconsider the bill (S. 2040) entitled ''An Act to deter terrorism, provide justice for victims, and for other purposes.'', returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

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

To the Senate of the United States:

I am returning herewith without my approval S. 2040, the ''Justice Against Sponsors of Terrorism Act'' (JASTA), which would, among other things, remove sovereign immunity in U.S. courts from foreign governments that are not designated state sponsors of terrorism.

I have deep sympathy for the families of the victims of the terrorist attacks of September 11, 2001 (9/11), who have suffered grievously. I also have a deep appreciation of these families' desire to pursue justice and am strongly committed to assisting them in their efforts.

Consistent with this commitment, over the past 8 years, I have directed my Administration to pursue relentlessly al-Qa'ida, the terrorist group that planned the 9/11 attacks. The heroic efforts of our military and counterterrorism professionals have decimated al-Qa'ida's leadership and killed Osama bin Laden. My Administration also strongly supported, and I signed into law, legislation which ensured that those who bravely responded on that terrible day and other survivors of the attacks will be able to receive treatment for any injuries resulting from the attacks. And my Administration also directed the Intelligence Community to perform a declassification review of ''Part Four of the Joint Congressional Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11,'' so that the families of 9/11 victims and broader public can better understand the information investigators gathered following that dark day of our history.

Notwithstanding these significant efforts, I recognize that there is nothing that could ever erase the grief the 9/11 families have endured. My Administration therefore remains resolute in its commitment to assist these families in their pursuit of justice and do whatever we can to prevent another attack in the United States. Enacting JASTA into law, however, would neither protect Americans from terrorist attacks nor improve the effectiveness of our response to such attacks. As drafted, JASTA would allow private litigation against foreign governments in U.S. courts based on allegations that such foreign governments' actions abroad made them responsible for terrorism-related injuries on U.S. soil. This legislation would permit litigation against countries that have neither been designated by the executive branch as state sponsors of terrorism nor taken direct actions in the United States to carry out an attack here. The JASTA would be detrimental to U.S. national interests more broadly, which is why I am returning it without my approval.

First, JASTA threatens to reduce the effectiveness of our response to indications that a foreign government has taken steps outside our borders to provide support for terrorism, by taking such matters out of the hands of national security and foreign policy professionals and placing them in the hands of private litigants and courts.

Any indication that a foreign government played a role in a terrorist attack on U.S. soil is a matter of deep concern and merits a forceful, unified Federal Government response that considers the wide range of important and effective tools available. One of these tools is designating the foreign government in question as a state sponsor of terrorism, which carries with it a litany of repercussions, including the foreign government being stripped of its sovereign immunity before U.S. courts in certain terrorism-related cases and subjected to a range of sanctions. Given these serious consequences, state sponsor of terrorism designations are made only after national security, foreign policy, and intelligence professionals carefully review all available information to determine whether a country meets the criteria that the Congress established.

In contrast, JASTA departs from longstanding standards and practice under our Foreign Sovereign Immunities Act and threatens to strip all foreign governments of immunity from judicial process in the United States based solely upon allegations by private litigants that a foreign government's overseas conduct had some role or connection to a group or person that carried out a terrorist attack inside the United States. This would invite consequential decisions to be made based upon incomplete information and risk having different courts reaching different conclusions about the culpability of individual foreign governments and their role in terrorist activities directed against the United States—which is neither an effective nor a coordinated way for us to respond to indications that a foreign government might have been behind a terrorist attack.

Second, JASTA would upset longstanding international principles regarding sovereign immunity, putting in place rules that, if applied globally, could have serious implications for U.S. national interests. The United States has a larger international presence, by far, than any other country, and sovereign immunity principles protect our Nation and its Armed Forces, officials, and assistance professionals, from foreign court proceedings. These principles also protect U.S. Government assets from attempted seizure by private litigants abroad. Removing sovereign immunity in U.S. courts from foreign governments that are not designated as state sponsors of terrorism, based solely on allegations that such foreign governments' actions abroad had a connection to terrorism-related injuries on U.S. soil, threatens to undermine these longstanding principles that protect the United States, our forces, and our personnel.

Indeed, reciprocity plays a substantial role in foreign relations, and numerous other countries already have laws that allow for the adjustment of a foreign state's immunities based on the treatment their governments receive in the courts of the other state. Enactment of JASTA could encourage foreign governments to act reciprocally and allow their domestic courts to exercise jurisdiction over the United States or U.S. officials—including our men and women in uniform—for allegedly causing injuries overseas via U.S. support to third parties. This could lead to suits against the United States or U.S. officials for actions taken by members of an armed group that received U.S. assistance, misuse of U.S. military equipment by foreign forces,

or abuses committed by police units that received U.S. training, even if the allegations at issue ultimately would be without merit. And if any of these litigants were to win judgments—based on foreign domestic laws as applied by foreign courts—they would begin to look to the assets of the U.S. Government held abroad to satisfy those judgments, with potentially serious financial consequences for the United States.

Third, JASTA threatens to create complications in our relationships with even our closest partners. If JASTA were enacted, courts could potentially consider even minimal allegations accusing U.S. allies or partners of complicity in a particular terrorist attack in the United States to be sufficient to open the door to litigation and wide-ranging discovery against a foreign country—for example, the country where an individual who later committed a terrorist act traveled from or became radicalized. A number of our allies and partners have already contacted us with serious concerns about the bill. By exposing these allies and partners to this sort of litigation in U.S. courts, JASTA threatens to limit their cooperation on key national security issues, including counterterrorism initiatives, at a crucial time when we are trying to build coalitions, not create divisions.

The 9/11 attacks were the worst act of terrorism on U.S. soil, and they were met with an unprecedented U.S. Government response. The United States has taken robust and wide-ranging actions to provide justice for the victims of the 9/11 attacks and keep Americans safe, from providing financial compensation for victims and their families to conducting worldwide counterterrorism programs to bringing criminal charges against culpable individuals. I have continued and expanded upon these efforts, both to help victims of terrorism gain justice for the loss and suffering of their loved ones and to protect the United States from future attacks. The JASTA, however, does not contribute to these goals, does not enhance the safety of Americans from terrorist attacks, and undermines core U.S. interests.

For these reasons, I must veto the bill.

BARACK OBAMA.

THE WHITE HOUSE, *September 23, 2016*.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Virginia (Mr. GOODLATTE) is recognized for 1 hour.

□ 1345

Mr. GOODLATTE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Judiciary Committee, pending which I yield myself such time as I may consume.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 2040, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, earlier today, the Senate voted 97–1 to override the President's veto on the Justice Against Sponsors of Terrorism Act. I rise to urge my colleagues to follow the Senate's action and vote to override this veto so that Americans may seek judicial redress against any foreign government that chooses to sponsor a terrorist attack on U.S. soil.

The question that this veto override vote poses is whether we should allow those who harm our citizens to hide behind legal barriers that are required by neither the Constitution nor international law, or whether we should permit U.S. victims to hold those who sponsor terrorism in our country fully accountable in our courts. I think that the answer to this question is clear, and I hope that my colleagues will join me in overwhelmingly overriding the President's veto of JASTA.

The changes JASTA makes to existing law are not dramatic, nor are they sweeping.

JASTA amends the Anti-Terrorism Act to make clear that any person who aids, abets, or conspires with a State Department designated foreign terrorist organization is subject to civil liability for injury to a U.S. person.

In addition, the legislation amends the Foreign Sovereign Immunities Act to add an exception to foreign sovereign immunity for acts of international terrorism sponsored by a foreign government that cause physical harm within the United States.

The President objects to this change to the law on the grounds that it upsets principles of foreign sovereign immunity and that, by so doing, our national interests will be threatened by reciprocal treatment from abroad. The President's objections, however, have no basis under U.S. or international law.

The Foreign Sovereign Immunities Act already has nine exceptions to sovereign immunity, including the territorial tort exception. This exception provides that a foreign country is not immune from the jurisdiction of our courts for injuries that it causes that occur entirely within the United States.

Consistent with customary international law, JASTA, for terrorism cases, removes the current requirement that the entire tort occur within the United States and replaces it with a rule that only the physical injury or death must occur on U.S. soil. JASTA makes this change because, under current law, a foreign nation can provide financing and other substantial assistance for a terrorist attack in our country and escape liability so long as the support is provided overseas.

For example, under current law, if the intelligence agency of a foreign government handed a terrorist a bag of money in New York City to support an attack on U.S. soil, the country would be liable under the Foreign Sovereign Immunities Act's tort exception right now. However, if we change the fact pattern slightly so that rather than giving a terrorist money in New York City the money is provided in Paris, the foreign state will not be subject to liability in U.S. courts. This is a troubling loophole in our antiterrorism laws.

When Congress enacted the Foreign Sovereign Immunities Act in 1976, it put in place a broad set of exceptions to sovereign immunity, including an exception for tort claims involving injuries occurring in the United States. However, the courts have not consistently interpreted those exceptions in such a manner that they cover the sponsoring of a terrorist attack on U.S. soil. JASTA addresses this inconsistency with a concrete rule that is consistent with the nine longstanding exceptions to foreign sovereign immunity already provided for under U.S. law.

JASTA ensures that those, including foreign governments, who sponsor terrorist attacks on U.S. soil are held fully accountable for their actions. We can no longer allow those who injure and kill Americans to hide behind legal loopholes denying justice to the victims of terrorism.

I urge my colleagues to vote to override the President's veto.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the September 11, 2001, terrorist attacks on the United States constituted the deadliest foreign attack on American soil in our Nation's history. Their impact has been immeasurable, as evidenced by the fact that we are still grappling with their cultural and policy implications.

Fifteen years later, their powerful emotional effect on Americans remains as strong as ever. Those who lost loved ones or were injured as a result of this horrific attack deserve our deepest sympathy and our help.

It is in this vein that we consider whether to override the President's veto of S. 2040, the Justice Against Sponsors of Terrorism Act, which, among other things, amends the Foreign Sovereign Immunities Act of 1976 to create a new exception to the act's general grant of foreign sovereign immunity.

The bill's supporters present compelling and sympathetic arguments in favor of ensuring that the 9/11 families have access to a well-deserved day in court.

In his veto message, however, the President raised a number of serious substantive concerns about the potential unintended consequences of this legislation.

First, the President stated that S. 2040 could undermine the effectiveness of our Nation's national security and counterterrorism efforts. For instance, other nations may become more reluctant to share sensitive intelligence in light of the greater risk that such information may be revealed in litigation.

Moreover, the President raised the concern that this legislation would effectively allow nonexpert private litigants and courts, rather than national security and foreign policy experts, to determine key foreign and national security policy questions like which states are sponsors of terrorism.

Second, the President's assertion that enactment of S. 2040 may lead to retaliation by other countries against the United States given the breadth of our interests and the expansive reach of our global activities.

So while it seems likely at this juncture that S. 2040 will be enacted over the President's veto, I remain hopeful that we can continue to work toward the enactment of subsequent legislation to address the President's concerns.

I understand the moral imperative of enacting legislation in this matter, but I am sensitive to the seriousness of the concerns that the President raised.

I had expressed the hope, during floor debate on this bill, that Congress and the President could work together to find a better balance that would still enable 9/11 victims to seek justice while tempering the President's concerns.

There is no doubt as to the passion that the bill's supporters bring to advocating for the victims of the September 11, 2001, attacks, a passion that I share.

As legislators, however, we must be driven not only by understandable emotions but by thoughtful consideration of the long-term interests of our country. And for this reason, the expected outcome of today's vote should not be the end of this matter.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KING), the chief sponsor of this legislation.

Mr. KING of New York. Mr. Speaker, I thank the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Judiciary Committee for yielding. Let me, at the outset, thank him for the outstanding work that he has done in bringing this bill, this legislation, to this historic moment where I certainly hope and urge the House of Representatives to override—to join the Senate in overriding the President's veto of JASTA.

I take very seriously the objections the President has raised, but this bill wasn't drawn in a vacuum, and it hasn't reached this stage in a vacuum.

Primarily led by people like Chairman GOODLATTE, Congressman NADLER, who is the chief cosponsor of the bill, and also by the leading sponsors in the Senate, all of the President's objections, I believe, were addressed. Changes were made.

This bill is not going to put American soldiers at risk. It is not going to put American diplomats at risk. What it is going to do is finally allow the 9/11 families to have their day in court to seek the justice they have long been denied. And if the Government of Saudi Arabia has no involvement, if there is no liability, they have nothing to worry about.

But the fact is, those of us who live in New York, who live in New Jersey, and all Americans, no matter where you happen to live, those of us who were alive on that day know how much this affected all of us. But just think about how it affected those families, those who lost their husbands and wives and children and grandchildren and mothers and fathers.

So it is really essential that this House today stand on the side of those who seek justice, realizing that we are doing nothing in any way at all to put any American lives at risk. What we want to do is seek justice against those who did cause Americans to die.

Again, I thank the Senate for their override vote today. I thank Chairman GOODLATTE for his outstanding work. I thank my good colleague, JERRY NADLER. DAN DONOVAN has done so much since he has come to the Congress.

I urge the House of Representatives to join with the Senate in overriding the veto of the President of the United States.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, I want to start by thanking PETER KING and BOB GOODLATTE for their role in bringing this bill to the floor as the sponsor and committee chairman.

I rise in strong support of overriding the President's veto of JASTA. JASTA is a carefully crafted, narrow bill that would hold accountable foreign governments that knowingly provide substantial assistance to a designated foreign terrorist organization that launches an attack in the United States.

Despite the overblown rhetoric of some critics of this bill, JASTA will not pose a threat to American military personnel or diplomats. They would be absolutely protected if another country passed legislation mirroring this bill because JASTA applies only to governments.

To the extent that a foreign government might pass broader legislation that would make American personnel subject to liability, that country would not be reciprocating. It would be engaging in a transparent and unjustifiable act of aggression.

The economic, diplomatic, and military strength of the United States makes such action unlikely, and any rogue state inclined to target U.S. interests can already do so. We must not hold justice for the 9/11 families hostage to imagined fears.

Mr. Speaker, 15 years ago, on September 11, we suffered the most deadly terrorist attack on our soil in this Nation's history. My district in New York was the epicenter of this attack, but its effects were felt across the country, including, of course, at the Pentagon and in Pennsylvania. We all have an interest in ensuring that the 9/11 victims and their families can bring to justice anyone who was responsible for this vicious attack.

JASTA simply reinstates what was understood to be the law for 30 years; that foreign states, not individuals, not soldiers, foreign states, may be brought to justice for aiding and abetting acts of international terrorism that occur on American soil, whether or not the conduct that facilitated the attack occurred in the United States.

Some courts have recently held that if a foreign government agent hands over a check to al Qaeda in a cafe in New York to fund a terrorist attack in the United States, that government can be sued in an American court. But if that same foreign agent funds the same attack by handing over the same check in a cafe in Geneva, the government is immune from suit.

That makes no sense, and it flies in the face of what had been settled law for many years. Longstanding U.S. law, under the Foreign Sovereign Immunities Act, provides jurisdiction to sue foreign states that cause a tortious injury on American soil. That is current law.

□ 1400

This is the international norm, and it has never prompted retaliatory conduct by other nations. This bill simply clarifies that if a foreign state murders thousands of Americans on American soil or provides substantial assistance to a designated terrorist group that murders thousands of Americans on American soil, that government cannot hide from justice merely because its actions occurred abroad.

This bill does not target any particular country or prejudge the merits of any particular case. Any government brought before a U.S. court will have every defense available to it, as well as extensive protections and government privileges during discovery to protect against disclosure of its sensitive information. What it will not be able to do is hide behind erroneous court decisions and jurisdictional loopholes to avoid the legal process altogether.

We have heard a parade of horribles stemming from a hypothetical fear that other nations would use JASTA as an excuse to target American citizens. Again, if a foreign government passes legislation that mirrors JASTA, American citizens would still be absolutely protected because JASTA applies only

to governments. A foreign government is highly unlikely to pass legislation that goes beyond JASTA. If a rogue state does, in fact, authorize suits against American personnel abroad, we have a well-established process for defending such actions. According to the Office of Foreign Litigation at the Department of Justice, ''at any given time, foreign lawyers under the direct supervision, represent the United States in approximately 1,000 lawsuits pending in the courts of over 100 countries.'' This is not a new issue for the United States, and we are well equipped to deal with any consequences.

We are warned that Saudi Arabia will be very angry if we approve this bill, that the Saudis may retaliate against the United States, may perhaps withdraw some investments. History shows that the Saudis will do what is in their interests. They need American support and American arms in the volatile Middle East where they fear and fight Iran and its proxies. They are not going to prefer their emotions to their interests and act against the United States.

If the Saudi Government was not complicit in the attack on 9/11, the plaintiffs will fail to prove such complicity in an American court. Justice will have been served, and the Saudis will be vindicated after years of suspicion. But if it is proven in an American court that the Saudi Government was complicit in the attacks on 9/11, justice will have been served and we—not the Saudis—will have justification to be very angry.

Mr. Speaker, this bill was carefully negotiated over more than 6 years. It passed the House and Senate unanimously, and earlier today, the Senate voted 97–1 to override the President's veto. All that stands in the way of justice for the 9/11 victims and their families is a vote in this House. I urge my colleagues to stand with them and to override the veto.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY), the chairman of the Armed Services Committee.

Mr. THORNBERRY. Mr. Speaker, I first want to thank the gentleman from Virginia for yielding, and, secondly, commend him for his work to try to tailor this measure in as narrow a way as possible.

I also want to commend the gentleman from New York (Mr. KING) for his strong, persistent advocacy for the families of the victims of 9/11. All of us share in their grief. The country has not gotten over that horrible incident, and all of us have contempt for those who carry out terrorist attacks and those who support them.

My concern for this legislation, however, is more related to the unintended consequences that it may have because one of the key protections that the military, diplomats, and intelligence community of the United States has around the world is this doctrine of sovereign immunity. Once that doctrine gets eroded, then there is less protection, and we, the United States, has more at stake in having our people protected than any other country because we have more people around the world than anyone else.

So, in this Congress, we can control the laws of the United States, and we can write them narrowly in a fine-tuned way to just achieve our objective. But then other countries respond. They may not have their laws narrowly defined in such a fine-tuned way. They may make them broader. Their practice may not have the protections that ours do. So the concern is that this starts a series of unintended consequences that will increase the risk to U.S. military personnel around the world, U.S. intelligence community personnel around the world, and diplomats around the world. That is the reason you have widespread concern that has been voiced in each of those communities for this legislation.

Let me just read briefly from a letter from the Chairman of the Joint Chiefs of Staff that has been available to all Members. It says: ''Any legislation that risks reciprocal treatment by foreign governments would increase the vulnerability of U.S. Servicemembers to foreign legal action while acting in an official capacity.''

That is the concern, that we lower the protections that our people have around the world. Remember, when we send our military out, they have to follow orders. They are implementing U.S. policy. They have no choice. If they are called before a foreign court, if they are required to give testimony in a foreign court, even if they are not the defendant, then they are jeopardized, as is sensitive information from the United States.

Mr. Speaker, so my point is that I understand totally the sympathies for the victims as well as the desires many people have to override this veto, but we also should keep in mind the longer term consequences for our military who serve our Nation all around the world.

Mr. Speaker, I include in the RECORD a letter from the Secretary of Defense and a letter from the Chairman of the Joint Chiefs of Staff on this issue.

SECRETARY OF DEFENSE,
Washington, DC, September 26, 2016.

Hon. WILLIAM M. ''MAC'' THORNBERRY,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of September 23, 2016, regarding the President's veto of S. 2040, the Justice Against Sponsors of Terrorism Act (JASTA). I support the President's position. We appreciate the opportunity to provide views on this important issue.

As I stated in my testimony before the Senate Armed Services Committee on September 22, 2016, I agree with the intent of the bill, which is to honor the families of 9/11 victims. While we are sympathetic to the intent of JASTA, its potential second- and third-order consequences could be devastating to the Department and its Service members and could undermine our important counterterrorism efforts abroad.

In general terms, JASTA would allow lawsuits in U.S. Federal Courts against foreign states for actions taken abroad that are alleged to have contributed to acts of terrorism in the United States, notwithstanding long-standing principles of sovereign immunity. Under existing law, similar lawsuits are available for actions taken abroad only by designated state sponsors of terrorism. JASTA extends the stripping of immunity to states that are not designated sponsors of terrorism, potentially subjecting many of the United States' allies and partner nations to litigation in U.S. courts.

JASTA has potentially harmful consequences for the Department of Defense and its personnel. Adoption of JASTA might result in reciprocal treatment of the United States and other countries could create exceptions to immunity that do not directly mirror those created by JASTA. This is likely to increase our country's vulnerability to lawsuits overseas and to encourage foreign governments or their courts to exercise jurisdiction over the United States or U.S. officials in situations in which we believe the United States is entitled of sovereign immunity. U.S. Service members stationed here and overseas, and especially those supporting our counterterrorism efforts, would be vulnerable to private individuals' accusations that their activities contributed to acts alleged to violate a foreign state's law. Such lawsuits could relate to actions taken by members of armed groups that received U.S. assistance or training, or misuse of U.S. military equipment by foreign forces.

First, whether the United States or our Service members have in fact provided support for terrorist acts or aided organizations that later commit such acts in violation of foreign laws is irrelevant to whether we would be forced to defend against lawsuits by private litigants in foreign courts. Instead, the mere allegation of their involvement could subject them to a foreign court's jurisdiction and the accompanying litigation and intrusive discovery process that goes along with defending against such lawsuits. This could result in significant consequences even if the United States or our personnel were ultimately found not to be responsible for the alleged acts.

Second, there would be a risk of sizeable monetary damage awards in such cases, which could lead to efforts to attach U.S. Government property to satisfy those awards. Given the broad range of U.S. activities and robust presence around the world, including our Department's foreign bases and facilities abroad, we would have numerous assets vulnerable to such attempts.

Third, it is likely that litigants will seek sensitive government information in order to establish their case against either a foreign state under JASTA in U.S. courts or against the United States in a foreign court. This could include classified intelligence data and analysis, as well as sensitive operational information. While in the United States classified information could potentially be withheld in certain narrow circumstances in civil lawsuits brought by private litigants against our allies and partners, no legislation specifically protects classified information in civil actions (unlike protections afforded in criminal prosecutions) or under JASTA. Furthermore, if the United States were to be sued in foreign courts, such information would likely be sought by foreign plaintiffs, and it would be up to the foreign court whether classified or sensitive U.S. Government information sought by the litigants would be protected from disclosure. Moreover, the classified information could well be vital for our defense against the accusations. Disclosure could put the United States in the

difficult position of choosing between disclosing classified or otherwise sensitive information or suffering adverse rulings and potentially large damage awards for our refusal to do so.

Relatedly, foreign lawsuits will divert resources from mission crucial tasks; they could subject our Service members and civilians, as well as contractor personnel, to depositions, subpoenas for trial testimony, and other compulsory processes both here and abroad. Indeed, such personnel might be held in civil or even criminal contempt if they refused to appear or to divulge classified or other sensitive information at the direction of a foreign court.

Finally, allowing our partners and allies—not just designated state sponsors of terrorism—to be subject to lawsuits inside the United States will inevitably undermine the trust and cooperation our forces need to accomplish their important missions. By damaging our close and effective cooperation with other countries, this could ultimately have a chilling effect on our own counterterrorism efforts.

Please let me know if there is any additional information the Department can provide.

Sincerely,

ASH CARTER.

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC.

Hon. WILLIAM M. ''MAC'' THORNBERRY,
Chairman, Committee on Armed Services, U.S. Senate Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your 23 September 2016 letter regarding the President's veto of the Justice Against Sponsors of Terrorism Act. I have read Secretary Carter's response, and share his concerns on the potential second- and third-order consequences of such legislation. As you deliberate, I would ask that you consider the following issues that affect the Joint Force.

Any legislation that risks reciprocal treatment by foreign governments would increase the vulnerability of U.S. Service members to foreign legal action while acting in an official capacity. For example, U.S. Service members, especially those supporting counterterrorism operations, could be subjected to a foreign court's jurisdiction if it is alleged that they took actions that violated a foreign state's law. Whether the allegations are ultimately proven to be without merit is not an adequate guide, as the service members will have already been subjected to the foreign court's litigation process.

In those cases where a foreign government decides to exercise jurisdiction over a U.S. Service member, the Service member could be held in civil, or criminal, contempt should they refuse to appear or otherwise comply with the foreign court's orders. This concern would extend to cases where the United States would be at risk of substantial monetary damages, which could lead to attempts to seize U.S. military property overseas in order to satisfy any monetary awards.

If a U.S. Service member were to be sued in a foreign court, it would be up to the foreign court to decide whether classified or sensitive U.S. Government information would be required as part of the litigation process. This could put the United States in the position of choosing between the disclosure of classified or sensitive information, and subjecting a U.S. Service member to an adverse foreign court ruling.

Finally, regardless of the specific legislation being considered, any legislation that effects the long-standing principles of sovereignty should carefully consider any risks to the close security cooperation relationships between the United States and our allies and partners.

Sincerely,

JOSEPH F. DUNFORD, JR.
General, U.S. Marine Corps.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT). Mr. SCOTT is a former member of the Judiciary Committee. He is now the ranking member on the Education and the Workforce Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the terrorist attacks perpetrated against our Nation 15 years ago killed nearly 3,000 people. No one can fully fathom the grief still felt by families to lose their loved ones in such a horrific way. We understand the need to continue to seek justice against those who may have aided and abetted the individuals that orchestrated these attacks. However, this legislation is not the right way to go about achieving that justice.

JASTA abrogates a core principle in international law—foreign sovereign immunity. There are already several exceptions to this immunity recognized by our Nation and others, but JASTA goes much further than any present exception or recognized practice of any national law. Mr. Speaker, as the gentleman from Texas just suggested, one fundamental indication of fairness of legislation is not how it would work to our benefit, but what we would think if it were used against us.

If the United States decides to allow our citizens to haul foreign nations into American courts, what would we think of other nations enacting legislation allowing their citizens to do the same thing to us?

Obviously, we would not want to put our diplomats, military, and private companies at that risk.

Consider our Nation's actions in Iraq. While there may be questions about Saudi Arabia's indirect involvement in 9/11, there is no question about who the state-sponsored actor was in 2003 when we bombed Baghdad and killed and injured hundreds of thousands of people with little or no evidence that Iraq was any immediate threat to the United States or our allies.

What would we think if Iraq enacted legislation similar to JASTA, allowing their citizens to sue the United States for acts perpetrated during the Iraqi war?

American soldiers and contractors living and working in Iraq today could be hauled in to Iraqi court, tried by an Iraqi judge, held responsible by an Iraqi jury that would assess the amount of money owed to each and every Iraqi citizen killed or maimed.

Furthermore, if they adopted similar legislation to this, other nations could sue the United States and our citizens for sponsoring organizations they deem as terrorist organizations. Unfortunately, these discussions are already taking place in capitals around the world because of this legislation.

JASTA does not make clear how the evidence would be gathered to help build a credible case against a foreign nation.

Would the plaintiffs be able to subpoena foreign officials? Or would the U.S. Department of State officials have to testify? Would we be required to expose sensitive materials in order to help American citizens prove their case? Again, how would we feel about foreign judges and juries deciding whether or not the United States sponsored terrorism?

There are also questions about how the judgment under JASTA would be enforced. The legislation does not address how a court would enforce the judgment.

Could foreign assets be attached? How would this process work if other countries enacted similar legislation? Would U.S. assets all over the world be subject to attachment to satisfy the foreign jury verdicts?

Mr. Speaker, there are many other more responsible mechanisms that this body could enact to hold foreign actors accountable for their involvement in international terrorism without exposing the United States or our citizens to lawsuits all over the world.

We should do the responsible thing, Mr. Speaker, and sustain the President's veto of this legislation.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from Texas and the gentleman from Virginia.

First of all, with regard to some of the examples given by the gentleman from Texas, I want to make clear that this is the Foreign Sovereign Immunities Act that is being amended—foreign sovereign, not individuals. So if another country were to flip this and take action under their laws to do something in their courts, it would only apply to governments, not to individuals.

So with regard to the assertions made by the gentleman from Virginia, many countries have already done what we are proposing to do here today. The whole tort rule that is utilized in the United States which says, just as an example, if you provided a bag of money to a terrorist in the United States, you can sue that foreign government in our country right now, in our courts right now. It would change so that if they provided the bag of money in Paris, you could do it there.

Right now it is a loophole. Guess what? Any foreign government that wants to sponsor terrorism in the United States, what is the first thing they are going to do right now under current law?

They are going to make sure that the money is transferred outside the United States so they are not subject to the jurisdiction of U.S. courts.

Customary international law does not seem to require the entire tort limitation.

The SPEAKER pro tempore (Mr. HULTGREN). The time of the gentleman has expired.

Mr. GOODLATTE. Mr. Speaker, I yield myself an additional 1 minute.

Mr. Speaker, Article 12 of the United Nations Convention on Jurisdictional Immunities of States and Their Properties would apply the territorial tort exception if the act or omission occurred in whole or in part in the territory of the state exercising jurisdiction.

Most nations that have codified the exception appear to require some act or omission in their territories, but it is not clear that these nations have done so from a sense of international legal obligation rather than from comity. Even if customary international law were properly read to preclude a nation from applying the territorial tort exception solely on the basis of death and damage within its territory, the application of JASTA to the 9/11 cases, as an example, would still not violate international law since the 9/11 attacks clearly involved tortious acts in the United States.

JASTA requires that the physical harm occur in the United States. But to have an exception that says that if people aid and abet from outside the United States, their government—the government—aids and abets from outside the United States, that government can evade the courts of the United States. That is wrong.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. GOODLATTE. Mr. Speaker, I yield myself an additional 30 seconds to point out one additional thing. Under JASTA, the President or his representative, the Secretary of State, can appear in the court where a lawsuit is brought and delay the proceedings for a period of time, but not forever.

Then, if that time expires and whatever effort the United States has made to resolve this with a foreign government does not change the circumstances, they can still go back to the court and they can ask the court to delay further. But then it is up to the court to make that decision.

Again, I urge my colleagues to override the President's veto.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. LANCE).

□ 1415

Mr. LANCE. Mr. Speaker, I rise today in strong support of overriding the President's veto of the Justice Against Sponsors of Terrorism Act.

This is our constitutional prerogative. We in Congress can override the veto of a President, and in this case a strong bipartisan majority disagrees with the President. Earlier today, the Senate of the United States voted 97–1 in favor of an override.

It is right and just that the victims of the horrific terrorist attacks of September 11, 2001, be able to pursue full justice in our courts of law. I am a lawyer, and I have worked with constitutional and statutory issues. I also represent a congressional district in New Jersey that lost 81 people on 9/11.

Opposing views fear repercussions against the United States if this legislation becomes law, but the United States does not support, finance, or condone international terrorism. We are the Nation that historically has helped rid the world of evil, and we have nothing to fear from truth and justice. Nations around the world should recognize the fundamental justice in legal remedies against a terrorist network that killed nearly 3,000 Americans.

It is our duty to provide the victims of 9/11 this legislative remedy by which they can seek the facts, and the Federal Government should be as transparent as possible with the evidence and the intelligence. The still grieving families of 9/11 deserve their day in court—they have waited long enough—and this narrowly tailored legislation will give them recourse for full justice and compensation.

Mr. Speaker, any override of a Presidential veto is a serious and sober matter. I do not advocate an override lightly. I deeply respect the Office of the President of the United States. This President has never been overridden by the Congress. I believe, however, that an override is the better public policy in this momentous situation.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON LEE), who serves both on the Homeland Security Committee and Judiciary Committee with great skill.

Ms. JACKSON LEE. Mr. Speaker, I thank the ranking member.

I think it is important to state on the floor of the House that President Obama has been an outstanding Commander in Chief.

I have served on the Judiciary Committee proudly for the tenure I have had in the United States Congress and on the Homeland Security Committee since the tragedy of 9/11. I am committed to engaging in efforts to develop policies that anticipate and respond to new and emerging challenges to the security of our Nation and to the peace and safety of the world.

However, I will never forget September 11. 2,977 men, women, and children were murdered by 19 hijackers who took commercial aircraft and used them as missiles. I stood on the front steps of the Capitol and sang with Members of this Congress ''God Bless America.'' I visited the World Trade Center in the months and weeks after this heinous tragedy and grieved continuously each year as we commemorate, sadly, 9/11.

9/11 will always be remembered, and the loss of these families will always be painful and piercing. Just recently, the Judiciary Committee had a hearing on the bill the Justice Against Sponsors of Terrorism Act. The supporters of the bill offered powerful and compelling testimony in favor of ensuring that 9/11 families have access to their day in court against the parties directly and vicariously liable for the injuries that they suffer.

Now, I also take into consideration the concerns of the administration, which deal with undermining sovereign immunity and opening up U.S. diplomats and military servicemembers to legal action overseas if foreign countries pass reciprocal laws. In addition, the President has said that JASTA would upset longstanding international principles regarding sovereign immunity, putting in place rules that, if applied globally, could have serious implications.

However, 9/11 families may sue a country designated as a state sponsor of terrorism, such as Iran today. The only thing that this bill would allow is that U.S. citizens be able to sue countries without that designation.

Let me suggest to our friends that, under the facts that we know, 19 of these attackers on 9/11 were Saudi citizens. They did not represent the government. This is not giving permission to sue the government under its government actions as much as it is to recognize that these were citizens who operated outside of that realm and to allow these citizens of the United States to have relief. You cannot deny the citizenship of these individuals. I would also suggest that these individuals are common criminals, and why should individuals who have been harmed be prevented from addressing the common criminality because they are from a different country?

I would make the argument that we are not finished with this at this point. I hope there will be further discussions. I do believe that if countries decided to take up and sue legitimate actions of the United States in defense of their nation, they would have the full power and force of law of the United States to be defended. I don't believe that will happen.

I do believe that we should continue further discussion on this very important topic. But as well, having been a senior member, again, on the Homeland Security Committee during the many meetings that we had with the 9/11 families and ultimately passing the 9/11 legislation as I chaired the Transportation Security Subcommittee, I believe that listening over and over again to the devastation and the need to ensure there are laws to protect this Nation, that this measure provides the extra opportunity to address the common criminality of individuals whose citizenship lies in one place or another.

We should stand, however, in protecting U.S. diplomats, military service, and intelligence community members, and I believe this country has the power to do so. I believe, at this point, the matter of the 9/11 families should be addressed, and we should address it today.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. DONOVAN).

Mr. DONOVAN. Mr. Speaker, I thank Chairman GOODLATTE for yielding.

Foreign threats should never dictate American policy, but that is, unfortunately, what happened with President Obama's veto of this legislation.

That a foreign government can hide behind sovereign immunity after slaughtering Americans in our own homeland is an outrage, so it is no wonder that this bill was passed by Congress unanimously. Terror victims can already sue individuals for complicity in an attack. A foreign government shouldn't be immune from justice simply because it is a government.

For those of my colleagues who may be reluctant about voting for an override of this veto, I think Chairman GOODLATTE's explanation of the bill should give them peace. There are already nine exemptions to the sovereign immunity law, and JASTA will not create a tenth. It modifies one of those nine.

JASTA is about 9/11 victims who have waited more than 15 years to have their day in court. It is about the families of over 300 people killed that day who lived in my congressional district. It is about my friend, Lori Mascali, whose husband, firefighter Joseph Mascali, died that day saving other people's lives.

I urge my colleagues to put American victims of terror first by voting to override the President's veto.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank Mr. CONYERS for yielding.

Mr. Speaker, I rise to express my support for overriding the President's veto of the Justice Against Sponsors of Terrorism Act.

I understand and give weight to the President's concerns, but I believe that this bill is focused on and applies to only those attacks that are committed on U.S. soil that harm U.S. nationals. The attacks of 9/11 were singular acts of appalling cruelty. They were targeted knowingly and specifically at civilian noncombatants. They were barbaric crimes that violated all norms of civilized conduct and all of the international conventions of armed conflict.

Though the hijackers of those planes died that day, it is virtually indisputable that there are people who conspired with them in the planning, preparation, execution, and financing of those horrific acts who walk the streets freely in foreign capitals today. They walk comfortably, securely, smugly, believing that because of a peculiar interpretation of international law, they are safe from the long arm of justice, immune to any consequences.

JASTA, as it is called, is needed to correct some shortcomings in previous legislation and lower court decisions. The bill is needed to make it possible for the survivors and for the families of the victims of savage acts of international terrorism to seek a measure of justice through the civil courts.

This bill is needed because both Congress and the executive branch have affirmed that civil litigation against terror sponsors, including foreign governments, can have an important deterrent effect.

The attacks of 9/11 were roundly condemned by people and governments around the world. So this bill is needed not just by the families of those who died in New York and at the Pentagon and in Pennsylvania; it is needed to send a message to people all around the world, a message that the long arm of American justice will not be deterred, will never tire, and will never falter.

As we have done in the past, we will pursue the perpetrators of such savage acts of inhumanity, as we saw on 9/11, to their very graves. There is no loophole and there will be no escape.

Yes, it may be true that there are risks in passing a bill like this that may have some unintended consequences, but compare that to the risks of doing nothing and the risks that are very real that are all too present.

I urge my colleagues to not forget and to overturn the President's veto. It is in America's interest, and it is a deterrent to future crimes.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank my good friend, Mr. GOODLATTE, for yielding; and I want to thank Mr. GOODLATTE and Mr. KING for their extraordinary leadership on this bill.

Mr. Speaker, with all due respect to the President of the United States, the central argument in this veto message accompanying the Justice Against Sponsors of Terrorism Act, reciprocity is weak, unsupported, and egregiously flawed.

The White House drafters of the veto message either didn't read the carefully crafted bipartisan bill or are seeking to conflate the plain legislative text since JASTA only permits access to U.S. courts by waiving immunity from foreign governments, not foreign government officials or employees, and corrects conflicting case law, except in the cases where someone knowingly aids, abets, or conspires with a State Department-designated foreign terrorist organization.

Thus, the President is wrong to assert that, under the hallowed principle of reciprocity, U.S. officials and military personnel could be subjected to lawsuits. It is worth noting that nothing precludes that now or ever, but as an argument for veto, it simply doesn't pass muster.

While sovereign immunity has its place in the conduct of responsible diplomacy, it is not absolute, as even the 1976 Foreign Sovereign Immunities Act contains nine exceptions.

In 2008, Mr. Speaker, as you know, the U.S. Court of Appeals for the Second Circuit dismissed legal action against Saudi Arabia and other defendants, holding U.S. courts lacked jurisdiction. Other actions by the courts have thwarted the full accountability Americans expect and deserve.

JASTA corrects that.

The victims of 9/11 and their grieving families deserve what JASTA empowers: a judicial process to discover the unfettered and ugly truth that, to this day, remains cloaked, concealed, and covered up. JASTA provides a way to hold perpetrators and enablers of terrorism to account.

Anyone who has read the recently declassified 28 pages of findings from the House-Senate Intelligence Committee's joint inquiry in 2002, despite the heavy redactions, knows the provocative evidence of Saudi complicity in 9/11, and that remains unexamined. The 28 pages are filled with names and suspected associations with the Government of Saudi Arabia.

Mr. Speaker, I have worked with and befriended many of the 9/11 surviving family members—many who died on 9/11 were from my district—and I can state unequivocally that there would have been no 9/11 Commission and other historic policy initiatives without the 9/11 family members. They have been extraordinary, tenacious, committed, and courageous.

On September 20, many family members gathered outside the White House to appeal to the President to sign JASTA. Two of the remarkable widows from New Jersey, Lorie and Mindy, carried this sign to my left, your right, with a picture of President Obama and Saudi King Salman from the front page of the New York Daily News.

□ 1430

The headline read: ''Don't choose them over us''—the U.S., the United States.

The President chose the king, and he vetoed the bill. We can correct that today. Vote to override.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

There is no doubt that there is so much passion involved in this with the bill's supporters; but, as legislators, I would like to urge that one carefully and thoughtfully consider the long-term interests of our country.

For the foregoing reasons, I am pleased to indicate that the scholars and others who will be voting to sustain the President's veto are Michael Mukasey, the former Attorney General under George W. Bush; Stephen Hadley, the former National Security Adviser for that President; Richard Clarke, the former White House counterterrorism adviser for Bill Clinton and George W. Bush; and Thomas Pickering, the former United States Ambassador to the United Nations. They all agree that we must be considerate of the long-term interests of our own country.

For the foregoing reasons and those stated by the national security experts, the international law scholars, and the President of the United States, I find that I must vote to sustain the President's veto.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I urge my colleagues to override the President's veto. It is the right thing to do. Justice is the right thing—to let American citizens have access to their courts for torts for terrorist attacks that occur on American soil. This bill is a modest amendment to already existing exemptions to the Foreign Sovereign Immunities Act. It is the right thing to do. I urge my colleagues to join me in overriding the President's veto.

Mr. Speaker, I yield back the balance of my time.

Mr. JOLLY. Mr. Speaker, I rise today to share my concerns with S. 2040, the Justice Against Sponsors of Terrorism Act, or JASTA. The President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the CIA Director, and the Chairman of the House Armed Services Committee have all issued statements against this legislation, and after having spoken with local veterans in Pinellas County who have retired from the armed services, I have come to the decision to support the President's veto.

'Terrorism' at the hands of a foreign government is simply another term for an act of war, and we should respond to these acts with every ounce of resolve our nation can muster. We have done so for generations, relying on military, diplomatic and political leadership to respond appropriately and deploy our men and women in uniform to defeat our enemies. Countless men and women have sacrificed their last full measure for the cause of our freedom and security.

But we don't litigate acts of war in civil courtrooms. We litigate them on battlefields, with valor and with overwhelming force.

By authorizing courtroom litigation of acts of war, we empower other nations to do the same. And we imperil the security of our military and diplomatic personnel, as well as our assets in regions around the globe.

Consider the number of times our nation intervenes for the cause of freedom and security around the globe. Now consider if our personnel and assets on the ground were subject to civil liability in those nations. It compromises our mission, and it compromises the security of our men and women in uniform and those in our diplomatic corps.

Mr. Speaker, when the President vetoed this legislation, he stated that the United States already has means to act against nations who would wish to commit acts of terrorism against the United States by designating them as State Sponsors of Terrorism. When this designation is made, all sovereign immunity protections for individuals are removed, subjecting the violating country to a multitude of sanctions.

Likewise, on Monday Defense Secretary Ash Carter sent a letter to the Chairman of the House Armed Services Committee stating that, while he "agrees with the intent of the bill, which is to honor 9/11 victims," the potential second- and third-order consequences of the legislation "could be devastating to the Department and its service members." Secretary Carter shared concerns that other nations might enact reciprocal policies, threatening the sovereign immunity of our service members based on justifications that are far less stringent.

The Chairman of the Joint Chiefs of Staff also stated that "any legislation that risks reciprocal treatment by foreign governments would increase the vulnerability of U.S. service members to foreign legal action while acting in an official capacity," and that any court proceedings could "put the United States in the position of choosing between the disclosure of classified or sensitive information, and subjecting a U.S. service member to an adverse foreign court ruling." Today, CIA Director Brennan added his concerns, that he believes this action "will have grave implications for the national security of the United States. The most damaging consequence would be for those U.S. Government officials who dutifully work overseas on behalf of our country."

These concerns are affirmed by many national security experts who penned an open letter asking for the veto to be upheld. The letter was signed by many prominent former members of the executive branch, including Stephen Hadley, Richard Clarke, and Thomas Pickering.

Nothing can heal the wounds of the surviving families of September 11, 2001. Nothing can heal the wounds of a nation whose heart breaks for those innocent lives lost at the hands of our enemies. We can honor their legacies by making the world more secure—by exerting our national security leadership, our military force, around the globe to contain the threat of terror. I believe JASTA would ultimately undermine our ability to secure freedom and to secure our homeland.

We will never forget the tragedy and loss of that day. We will never forget the heartbreak. And let us never weaken our resolve to defeat the forces of terror, so that we may ensure that we as a nation, and our brothers and sisters who suffered such loss, never face such a tragedy again.

Ms. MCCOLLUM. Mr. Speaker, I rise to uphold President Obama's veto of the Justice Against Sponsors of Terrorism Act (S. 2040).

All Americans were deeply affected by the terrorist attacks on September 11, 2001, none more so than the families who lost loved ones on that terrible day. President Obama has been unyielding in his pursuit of those who perpetrated the attacks. Since day one of his Administration, President Obama has made the destruction of Al-Qaeda a top national security priority. He has delivered on this promise, systematically devastating Al-Qaeda's leadership and killing Osama bin Laden.

I am profoundly sympathetic to the families of victims who were lost on September 11, 2001 and while I understand the intent behind S. 2040, I remain concerned that this legislation would be damaging to our national security. Not only would it not prevent future terrorist attacks against the United States, it would expose U.S. personnel serving overseas to lawsuits in the civil and criminal courts of foreign countries. For these reasons, I vote to uphold President Obama's veto of S. 2040.

The United States government has an array of legal tools that it uses to deal with nations that sponsor terrorism. This includes listing the offending nation as a state sponsor of terrorism, imposing sanctions, and the forfeiture of that nation's right to sovereign immunity in U.S. courts. However, these measures are intended as an extreme consequence for nations that act outside of international norms. S. 2040 would allow terrorism related lawsuits in U.S. courts against any nation, not only those designated as a sponsor of terrorism by our government, which is alleged to have contributed to an act of terrorism in the United States. This would begin an erosion of the principle of sovereign immunity for every nation, including U.S. allies, and expose their government and personnel to lawsuits in U.S. courts.

The reciprocal effect that this erosion of sovereign immunity could have on U.S. personnel overseas, including our men and women in uniform, is deeply concerning. Were S. 2040 to become law, it would set an international precedent for other nations to follow. U.S. personnel serving in foreign countries could be subjected to civil and criminal lawsuits in foreign courts, putting them at risk and potentially exposing sensitive national security information in the process. These are the people we depend upon in our fight against terrorist organizations like ISIL, and we must ensure that proper legal safeguards are in place to protect them.

As a Member of Congress, it is my duty to ensure that our service members and diplomatic personnel overseas are afforded the proper legal protections that allow them to do their jobs and protect this nation. S. 2040 unfortunately fails to ensure these protections and subsequently I will vote to sustain President Obama's veto.

I am attaching an editorial from the New York Times on this issue.

[Sept. 28, 2016]

THE RISKS OF SUING THE SAUDIS FOR 9/11

The Senate and the House are expected to vote this week on whether to override President Obama's veto of a bill that would allow families of the victims of the Sept. 11 attacks to sue Saudi Arabia for any role it had in the terrorist operations. The lawmakers should let the veto stand.

The legislation, called the Justice Against Sponsors of Terrorism Act, would expand an exception to sovereign immunity, the legal principle that protects foreign countries and their diplomats from lawsuits in the American legal system. While the aim—to give the families their day in court—is compassionate, the bill complicates the United States' relationship with Saudi Arabia and could expose the American government, citizens and corporations to lawsuits abroad. Moreover, legal experts like Stephen Vladeck of the University of Texas School of Law and Jack Goldsmith of Harvard Law School doubt that the legislation would actually achieve its goal.

Co-sponsored by Senator Chuck Schumer, Democrat of New York, and Senator John Cornyn, Republican of Texas, the measure is intended to overcome a series of court rulings that have blocked all lawsuits filed by the 9/11 families against the Saudi government. The Senate passed the bill unanimously in May, and the House gave its approval this month.

The legislation would, among other things, amend a 1976 law that grants other countries broad immunity from American lawsuits—unless the country is on the State Department's list of state sponsors of terrorism (Iran, Sudan and Syria) or is alleged to have committed a terrorist attack that killed Americans on United States soil. The new bill would clarify that foreign governments can be held liable for aiding terrorist groups, even if that conduct occurred overseas.

Advocates say the measure is narrowly drawn, but administration officials argue that it would apply much more broadly and result in retaliatory actions by other nations. The European Union has warned that if the bill becomes law, other countries could adopt similar legislation defining their own

exemptions to sovereign immunity. Because no country is more engaged in the world than the United States—with military bases, drone operations, intelligence missions and training programs—the Obama administration fears that Americans could be subject to legal actions abroad.

The legislation is motivated by a belief among the 9/11 families that Saudi Arabia played a role in the attacks, because 15 of the 19 hijackers, who were members of Al Qaeda, were Saudis. But the independent American commission that investigated the attacks found no evidence that the Saudi government or senior Saudi officials financed the terrorists.

Proponents of the legislation cite two assassination cases in which legal claims were allowed against Chile and Taiwan. Administration officials, however, say that those cases alleged the direct involvement of foreign government agents operating in the United States.

The current debate is complicated by the fact that Saudi Arabia is a difficult ally, at odds with the United States over the Iran nuclear deal, a Saudi-led war in Yemen and the war in Syria. It is home of the fundamentalist strand of Islam known as Wahhabism, which has inspired many of the extremists the United States is trying to defeat. But it is also a partner in combating terrorism. The legislation could damage this fraught relationship. Riyadh has already threatened to withdraw billions of dollars in American-based assets to protect them from court action.

The desire to assist the Sept. 11 families is understandable, and the bill is expected to become law. The question is, at what cost?

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to express my opposition to the veto override vote that occurred earlier today in the U.S. Senate on S. 2040, the Justice Against Sponsors of Terrorism Act, and that will take place shortly in the U.S. House. While 9/11 will continue to haunt Americans and loved ones will always mourn those lost during the terrorist attacks on that day, this legislation is not the solution. I am deeply concerned for the future implications of this measure.

JASTA would allow U.S. nationals to sue foreign governments in federal court even if that country is not on the Department of State's list of state sponsors of terrorism. Lawsuits must involve death, injury, or property damage and must be caused by an act of international terrorism in the U.S. The bill also allows civil claims to be brought against foreign states or officials that are state sponsors of terrorism if their conduct contributes to an attack that kills an American outside of the United States.

This legislation would not protect Americans from future attacks nor would it improve national security. This bill would remove reciprocal agreements that now protect not only other allies, but also the U.S., from such lawsuits in other countries. The long-term impact on our country's national security is at stake. This bill would place not only our close security cooperation relationships at risk, but also U.S. service members abroad.

Families are looking for accountability in the ability to sue foreign governments, specifically Saudi Arabia. I have deep sympathy for these families who have suffered so much. However, I do not believe that this is the most viable path to justice. This bill could unfortunately backfire and cause more concern to the counterterrorism community. While we still have the chance, I urge my House colleagues to listen to our experts who have given us many warnings about the implications of this legislation.

Mr. BLUMENAUER. Mr. Speaker, I fully sympathize with the families of 9/11 victims and understand their desire to hold people accountable for that horrific, senseless, cruel attack.

This sympathy, understandably, prompted many of my colleagues to approve S. 2040 when it was first before Congress. Yet, I am convinced that the Presidential veto of this legislation should be upheld. Everyone should read his veto message on S. 2040 to understand the complications and the risks.

We already have a mechanism to deal with state-sponsored terrorism—a mechanism to pursue it. When it is designated, we have very strong sanctions that we can employ.

The purpose of such a mechanism is to ensure those sanctions and other steps are brought to bear only after there has been a careful review that establishes state-sponsored terrorism. In the case of this legislation, the authority is transferred, not just to the attorneys of the 9/11 families, but to any individual who wants to file a lawsuit. This opens the United States up to a wide range of repercussions that could have negative consequences for Americans.

Not only would it potentially compromise our security efforts and our diplomatic relationships, but it also invites retaliation by other countries. Millions of Americans travel overseas every year and hundreds of thousands of Americans work overseas including soldiers and diplomats, all of whom could now be subjected to harsher activities by other governments without the due process afforded by the United States government. It's not just that we could have foreign action against American assets, but foreign action against Americans.

I think the President's veto decision is wise, and I support it.

Ms. JACKSON LEE. Mr. Speaker, the House now has before it the President's Veto Message accompanying S. 2040, the "Justice Against Sponsors of Terrorism Act," which would authorize private litigation against foreign governments in the federal courts of the United States based on allegations that such foreign governments' actions abroad made them responsible for terrorism-related injuries sustained on U.S. soil.

I have stated on numerous times that I believe that President Barack Obama is one of the best and most consequential presidents in American history; his stewardship of American foreign and national security has kept our nation safe and restored its reputation as the most respected nation in the world.

President Obama has been an outstanding Commander-in-Chief exhibiting exceptional judgment, judgment marked by vision and purposeful, conduct that has been steady and restrained.

Mr. Speaker, I take seriously the decision whether to override a presidential veto, particularly one relating to national security and foreign policy but, as it is a duty imposed on the Congress by the Constitution, I do not shrink from the responsibility.

I have not voted to override a veto during his tenure.

Mr. Speaker, seventeen days ago, we observed the 15th anniversary of the day our nation faced the greatest loss of life on U.S. soil from a terrorist attack.

The years that have passed since that day have not dimmed my memory or diminished my resolve to see an end to terrorism not only in the United States, but around the world.

As a Member of Congress and a senior Member of the Committees on Homeland Security and the Judiciary, both of which deal with national security issues, I have long been committed and engaged in efforts to develop policies that anticipate and respond to new and emerging challenges to the security of our nation and the peace and safety of the world.

I will never forget September 11, 2001 when 2,977 men, women and children were murdered by 19 hijackers who took commercial aircraft and used them as missiles.

I stood on the East Front steps of the Capitol on September 11, 2001, along with 150 members of the House of Representatives and sang "God Bless America."

I visited the site of the World Trade Center Towers in the aftermath of the attacks and grieved over the deaths of so many of our men, women, and children.

I want to thank and commend the work of our first responder community on that day and every day since September 11 for their efforts to protect their communities and our nation from acts of terrorism.

Mr. Speaker, September 11, 2001 will always be remembered as a day of tragedy and heroism, heartbreak and courage, and shared loss.

But the loss remains especially painful to those whose loved ones died or were injured by the criminal acts of terrorists on that fateful day.

On numerous occasions in the months and years after September 11, I met with family members of 9/11 victims and witnessed their devotion to our nation and empathized with their pain, loss, hurt, and desire to obtain justice for their loved ones.

Mr. Speaker, in 2007, after many years of tireless struggle, Congress passed H.R. 1, the landmark "Implementing 9/11 Commission Recommendations Act of 2007," the first bill passed by the Democratic-led 110th Congress after regaining the majority. As a member of the Homeland Security Committee, I worked very hard in getting this bill passed.

H.R. 1 was signed into law on August 3, 2007 and implemented the 33 recommendations of the 9/11 Commission, a body comprised of ten of the most distinguished citizens in this country. Many of the families fought hard for this bill.

As a senior member of the Homeland Security, and Chair of its Transportation Security Subcommittee, I worked closely with my colleagues across the aisle and in the Senate to strengthen the provisions in H.R. 1 designed to improve transportation security planning, information sharing, and to prevent terrorist from travelling to our country.

After passage of H.R. 1, several 9/11 families brought suit if U.S. courts seeking relief for injuries alleged to have been caused by perpetrators of the September 11 attacks and allegedly sponsored by certain nation-states.

Each of their law suits were dismissed by the courts for lack of subject-matter jurisdiction since under current law such actions were barred by the doctrine of sovereign immunity except those brought against nation-states listed by the U.S. Department of State as "state sponsors of terrorism."

This is what led to the introduction of the "Justice Against Sponsors of Terrorism Act,"

which would allow private litigation against foreign governments in U.S. courts based on allegations that such foreign governments' actions abroad made them responsible for terrorism-related injuries on U.S. soil.

Thus, the "Justice Against Sponsors of Terrorism Act," amends the Foreign Sovereign Immunities Act of 1976 to create a limited new exception to the Act's general grant of foreign sovereign immunity.

Mr. Speaker, this past July the Judiciary Committee, upon which I sit, held a hearing on S. 2040, the "Justice Against Sponsors of Terrorism Act," at which the bill's supporters offered powerful and compelling testimony in favor of insuring that 9/11 families have access to their day in U.S. courts against the parties directly and vicariously liable for the injuries they suffered.

As the Ranking Member of the Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigation, I am committed to doing all that I can to ensure that they receive their day in court.

I am sensitive, however, to the concerns raised by the Administration regarding unintended consequences that may result if the bill is passed in its current form.

In particular, the Administration, allied nations, and others point out that enactment of S. 2040 in its current form may lead to retaliation by other countries against the United States.

Additionally, the Administration raises the legitimate concern that if enacted in its current form, S. 2040 may hamper cooperation from other nations because they may becqme more reluctant to share sensitive intelligence out of fear that such information may be disclosed in litigation.

I am hopeful, however, that after this vote, these legitimate concerns can be addressed and resolved no matter the outcome and I look forward to continuing to work with the Administration, the bill's sponsors and supporters, and representatives of the 9/11 families to ensure that the 9/11 victims receive justice without substantial harm to our national security interests.

Mr. Speaker, for these reasons, I will vote to override the President's veto of S. 2040.

I thank the House and Senate sponsors of this important legislation, my colleagues Congressmen PETER KING and JERROLD NADLER of New York, and Senators JOHN CORNYN of Texas and CHARLES SCHUMER of New York, for their tireless efforts on behalf of fairness and justice for the 9/11 families.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

Pursuant to clause 8 of rule XX, this 15-minute vote on passing S. 2040, the objections of the President to the contrary notwithstanding, will be followed by 5-minute votes on ordering the previous question on House Resolution 897; adopting House Resolution 897, if ordered; and suspending the rules and passing S. 3283.

The vote was taken by electronic device, and there were—yeas 348, nays 77, answered "present" 1, not voting 5, as follows:

[Roll No. 564]

YEAS—348

Abraham
Adams
Aderholt
Aguilar
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Beatty
Becerra
Bera
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Blackburn
Blum
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano
Cárdenas
Carney
Carter (GA)
Carter (TX)
Cartwright
Castro (TX)
Chabot
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Cleaver
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Connolly
Cook
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
DeFazio
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Guinta
Guthrie
Gutiérrez
Hahn
Hanna
Hardy
Harper
Harris
Hastings
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Himes
Holding
Honda
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Katko
Keating
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
King (NY)
Kinzinger (IL)
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larson (CT)
Latta
Lawrence
Levin
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Rangel
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanford
Sarbanes
Scalise
Schrader
Schweikert
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sewell (AL)
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stivers
Stutzman
Swalwell (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Upton
Valadao
Van Hollen
Vela
Velázquez
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Watson Coleman
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—77

Bass
Benishek
Beyer
Blumenauer
Bonamici
Buck
Capps
Carson (IN)
Chaffetz
Clay
Clyburn
Cohen
Conaway
Conyers
Cooper
Cummings
Davis (CA)
Davis, Danny
DeGette
DeSaulnier
DesJarlais
Edwards
Ellison
Farr
Frankel (FL)
Garamendi
Grayson
Grijalva
Grothman
Hartzler
Heck (WA)
Hinojosa
Issa
Johnson (GA)
Johnson, E. B.
Jolly
Kaptur
Kelly (IL)
Kind
King (IA)
Kline
Larsen (WA)
Lee
Lewis
Matsui
McCollum
McDermott
McGovern
Moore
Moulton
Nunes
O'Rourke
Perlmutter
Quigley
Ribble
Richmond
Ruppersberger
Schakowsky
Schiff
Scott (VA)
Sessions
Sherman
Smith (WA)
Speier
Stewart
Takano
Thompson (CA)
Thornberry
Turner
Vargas
Veasey
Visclosky
Waters, Maxine
Welch
Wilson (FL)
Yarmuth
Young (AK)

ANSWERED "PRESENT"—1

Castor (FL)

NOT VOTING—5

Black
Kirkpatrick
Poe (TX)
Rush
Sanchez, Loretta

□ 1501

Messrs. RICHMOND, DESJARLAIS, CARSON of Indiana, GROTHMAN, and Ms. WILSON of Florida changed their vote from "yea" to "nay."

Messrs. COURTNEY, MCNERNEY, Mrs. LAWRENCE, Messrs. JODY B. HICE of Georgia, HIGGINS, and KELLY of Mississippi changed their vote from "nay" to "yea."

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will notify the Senate of the action of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation