

Officer well knows, we have a huge national debt, and there is no reason to just gratuitously rack up more debt in order to deal with this public health concern.

There is a second vote we will have on a \$1.1 billion appropriations bill. This is the product of the good work done by Senator ROY BLUNT of Missouri and Senator PATTY MURRAY of Washington. They have cut down the President's request from \$1.9 billion to \$1.1 billion, and they believe this will fund the needed work not only of this fiscal year but into the next fiscal year as well. That is also not offset or paid for, and I think that is a problem.

First of all, the House has proposed a roughly \$600 million bill that is fully offset, so we are going to have some differences between the House and the Senate over how we address the Zika virus challenge.

The third is a piece of legislation I have offered that I would certainly ask my colleagues to support. This is fully offset out of something called the Prevention and Public Health Fund that was created by the Affordable Care Act. So there is money in the Treasury now that could help pay for the \$1.1 billion. I should say that about \$900 million of it could be paid for now, and by next year there will be more money put into this Prevention and Public Health Fund.

As we can see, the Affordable Care Act provides that. This Prevention and Public Health Fund is "to provide for expanded and sustained national investment in prevention and public health programs." I can't imagine any more urgent public health program or one that we should be looking to prevent more than this particular threat, the Zika virus.

I would point out that the Prevention and Public Health Fund has been used to fund some things—many good things, some which I think are questionable, like promoting free pet neutering, encouraging urban gardening, and boosting bicycle clubs. Certainly, prevention of these horrific birth defects and the threat of the Zika virus spreading through the continental United States and its impact on our population is more important than these.

So I ask my colleagues, please, let's deal with this threat in the responsible way that we all agree we should, but let's do so in a fiscally responsible way as well. There is no reason to gratuitously add to the deficit and the debt. We can do this in a responsible way from a public health standpoint and fiscally as well.

Mr. President, I know the Senator from New York, Mr. SCHUMER, is coming to the floor at noon, and we are going to present a matter for the Senate's consideration. I don't see him here yet, but I am told he is on his way. So let me turn to that topic, and I know Senator SCHUMER will be here momentarily.

## JUSTICE AGAINST SPONSORS OF TERRORISM ACT

Mr. CORNYN. Mr. President, all of us remember the horrible events of September 11 and the grief and pain so many people went through in New York. Roughly 3,000 people lost their lives. Obviously, the family members have not forgotten that, and the Nation hasn't forgotten their loss either.

The Senator from New York, Mr. SCHUMER, and I have introduced legislation called the Justice Against Sponsors of Terrorism Act. This is bipartisan legislation which would enable Americans and their family members who lost loved ones on that horrible day to pursue their claims for justice against those who sponsored those acts of terrorism on U.S. homeland.

This bill was reported out of the Senate Judiciary Committee without objection, and similar legislation passed the Senate unanimously last Congress. I believe that kind of unanimous support sends a clear message: that we will combat terrorism with every tool we have available and that the victims of terrorist attacks in our country should have every means at their disposal to seek justice.

I am grateful for the work of the Senator from New York, Mr. SCHUMER, in introducing this bill along with me and Chairman GRASSLEY for shepherding it through the Senate Judiciary Committee. I also appreciate the support of a large bipartisan group of like-minded Senators in this Chamber. We worked with a number of Senators, including the Senator from Alabama and the Senator from South Carolina, who expressed concerns about earlier versions of the legislation. I appreciate their willingness to work with us to deal with their concerns in a way that now has gained their support.

This legislation amends the Foreign Sovereign Immunities Act passed in 1976. So we already have a piece of legislation on the books that waives sovereign immunity under some circumstances, but the problem is that it does not extend to terrorist attacks on our homeland by countries and organizations that have not already been designated as state sponsors of terrorism. This makes some small changes in that legislation that first passed in 1976 to expand the scope of that to allow the families of the 9/11 tragedy to seek justice in our courts of law.

Mr. President, there are some aspects of the bill that I would like to discuss in particular, and to that effect I would like to enter into a colloquy with my friend on a number of points.

Senators SESSIONS and GRAHAM had expressed concern that earlier versions of this legislation might be interpreted to derogate too far from traditional principles of foreign sovereign immunity and put the United States at risk of being sued for our operations abroad. We worked extensively with them on this issue.

To alleviate the concerns they raised, the substitute amendment to S. 2040

narrowly tailors the immunity exception in several ways.

First, it is limited—like the Foreign Sovereign Immunity Act's "tort exception"—to physical injury "occurring in the United States." The act of international terrorism that causes the injury must also take place "in the United States."

This focus on U.S. territory avoids the issues raised by the State Department regarding section 1605A, the "State Sponsor of Terrorism" exception to the FSIA passed decades ago by Congress. Section 1605A permits jurisdiction over acts that occur anywhere, but is limited to certain states.

Second, jurisdiction can only be predicated on acts of terrorism and not on acts of war, as both terms are defined under the Anti-Terrorism Act.

Third, the injury must be "caused by" the tortious act or acts of the foreign state. This language, which requires a showing of jurisdictional causation, is drawn from decisions of Federal courts interpreting section 1605A. Courts interpreting new section 1605B should look to cases like *Kilburn*, *Rux*, and *Owens*, the analysis of which we intend to incorporate here.

Finally, this new version adopts the language of 1605A regarding the conduct of officials, employees, and agents of foreign states. This language incorporates traditional principles of vicarious liability and attribution, including doctrines such as respondeat superior, agency, and secondary liability.

Mr. SCHUMER. I thank the Senator from Texas.

My friend the senior Senator from Texas is exactly right: we have made several changes to the bill since the last time it was introduced—and passed—to make it as narrow and targeted as possible.

I join him in thanking Senators SESSIONS and GRAHAM for working with us to strike the right balance.

I have two points on this.

Congress addressed terrorism under the FSIA decades ago, in what became section 1605A, the exception for "state sponsors of terrorism." I want to make clear that JASTA is responding to a very specific issue about terrorism on U.S. soil. It is not our intent to imply anything about other areas of law. Other provisions of this statute allowing victims of terror to sue foreign governments for acts of international terrorism have a longstanding jurisprudence that JASTA is not meant to alter.

The new version of the legislation also includes an important new tool for the executive branch to address litigation against a foreign sovereign under section 1605B.

Section 5 allows the Department of Justice to seek a stay of the litigation—including related cases, not against the foreign state itself—if the government certifies that it is involved in good-faith discussions to resolve the matter. This stay can be extended.

Of course, if the administration seeks to use this new authority, it should be

prepared to provide substantial evidence of good-faith negotiations to the court such as details about those involved in the discussions and their authority to reach a resolution, where and when the discussion occurred and a timeline for resolving the matter.

I wish to say a few words about secondary liability under the Anti-Terrorism Act, which JASTA addresses.

The purpose of the Justice Against Sponsors of Terrorism Act is to hold foreign sponsors of terrorism that target the United States accountable in Federal courts.

One thing that has come up in our discussions of this bill is whether the bill's provisions would extend civil liability under the Anti-Terrorism Act to situations where someone has been forced to make payments or provide aid to aid to a foreign terrorist organization under genuine duress or, for example, as ransom payments for the release of someone taken hostage. This type of conduct is outside the scope of traditional aiding and abetting liability and our bill does not change that.

To sum up, the Foreign Sovereign Immunity Act has been amended, and amended again, in its relatively short life, in order to strike the proper balance between our interests abroad and the rights of our citizens to obtain redress when they are victims of wrongdoing—no matter who the perpetrator is. This version of JASTA would move our laws even closer to that ideal balance.

I yield again to the senior Senator from Texas.

Mr. CORNYN. Mr. President, I would also like to say a few words about secondary liability under the Anti-Terrorism Act, which JASTA addresses.

This bill is called the Justice Against Sponsors of Terrorism Act. It helps fulfill the promise of the original Anti-Terrorism Act, which was intended to “interrupt, or at least imperil, the flow of money” to terrorist groups. So, while JASTA clarifies the rule for secondary liability, which may attach to terrorism sponsors, it doesn't impact other aspects of the ATA that may also make them liable. For example, this bill is not intended to alter how violations of sections 2339A—material support—or 2339C—terrorist financing—can be the basis for direct liability under the ATA.

Mr. President, I would add, there is already litigation pending by the families who lost loved ones on 9/11, and right now there appears to be somewhat of a split in the Federal courts with regard to the scope of sovereign immunity and whether it applies. This legislation would basically clarify that both for pending cases and for future claims.

At this point, I would defer to my friend, the Senator from New York, for any statement he would care to make, and then I would be happy to offer a unanimous consent request.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my good friend from Texas for yielding and for the great job he has done. This is another example of bipartisan legislation and, in fact, another example of a Cornyn-Schumer collaboration, which works pretty well around here.

Senator CORNYN and I have introduced this bill for the last three Congresses, first under the leadership of Senator LEAHY and then under Senator GRASSLEY. It has twice passed without objection through the Senate Judiciary Committee, once by the full Senate. I thank Senators LEAHY and GRASSLEY for their help as well.

The bill is very near and dear to my heart as a New Yorker because it would allow the victims of 9/11 to pursue some small measure of justice by giving them a legal avenue to hold foreign sponsors of terrorism accountable for their actions.

The courts in New York have dismissed the 9/11 victims' claims against certain foreign entities alleged to have helped fund the 9/11 attacks. These courts are following what we believe is a nonsensical reading of the Foreign Sovereign Immunities Act. For the sake of the families, I want to make clear beyond a shadow of a doubt that every entity, including foreign states, will be held accountable if they are found to be sponsors of the heinous act of 9/11.

My friend, the senior Senator from Texas, and I have worked hard to narrow the bill to strike the proper balance between our interests abroad and the rights of our citizens to obtain redress when they are victims of terrible wrongdoing. We had a colloquy for the RECORD that goes into more detail on some of the legal nitty-gritty, but we cannot lose sight of the bigger picture: What this legislation means to the victims of 9/11 transcends day-to-day politics.

One of the most impassioned advocates of this bill is Ms. Terry Strada, who is seeking justice for her husband Tom. Tom lost his life in the North Tower on September 11. Terry didn't just lose a husband; she lost a father to a young son of 7, a daughter of 4, and a tiny baby boy who was born shortly after the towers fell. She lost a loving father and her best friend. Terry Strada and many others are seeking what we would all be compelled to seek if we suffered such loss at the hands of hate and evil, which is simply justice.

The fact that some foreign governments may have aided and abetted terrorism is infuriating to the families if justice is not done. That is what they seek—justice, justice, justice.

Terry and her three children have championed this bill for over a decade. They are not cursing the darkness—as would be human nature to do—at their terrible, unjust, and almost inexplicable loss. Instead, her family and many other families have chosen to light candles, to do whatever they can to make sure this never happens again,

so that any foreign entity that would seek to choose to help and aid and abet and do terrorism here on our shores will pay a price if it is proven that they have done so.

So Terry and the other families are lighting candles—a saintly act. I thank them and all the other families as well—Monica, Gabrielle, Mindy Kleinberg, Lori Van Auken, Kristen Breitweiser, Patty Casazza—for their tireless advocacy and patience.

In conclusion, JASTA is long overdue—a responsible, balanced fix to a law that has extended too large a shield to foreign actors who finance and enable terrorism on a massive scale. The victims of 9/11 and other terrorist attacks have suffered such pain and heartache that they certainly should not be denied justice.

Mr. President, I yield to my colleague from Texas for the unanimous consent request.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I thank my colleague from New York for his comments and for his partnership in working on this important legislation.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 362, S. 2040.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2040), to deter terrorism, provide justice for victims, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### **SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Justice Against Sponsors of Terrorism Act”.*

#### **SEC. 2. FINDINGS AND PURPOSE.**

(a) *FINDINGS.*—Congress finds the following:

(1) *International terrorism is a serious and deadly problem that threatens the vital interests of the United States.*

(2) *The Constitution confers upon Congress the power to punish crimes against the law of nations and therefore Congress may by law impose penalties on those who provide material support to foreign organizations engaged in terrorist activity, and allow for victims of international terrorism to recover damages from those who have harmed them.*

(3) *International terrorism affects the interstate and foreign commerce of the United States by harming international trade and market stability, and limiting international travel by United States citizens as well as foreign visitors to the United States.*

(4) *Some foreign terrorist organizations, acting through affiliated groups or individuals, raise significant funds outside of the United States for conduct directed and targeted at the United States.*

(5) *It is necessary to recognize the substantive causes of action for aiding and abetting and conspiracy liability under the Anti-Terrorism Act of 1987 (22 U.S.C. 5201 et seq.).*

(6) *The decision of the United States Court of Appeals for the District of Columbia in Halberstam v. Welch, 705 F.2d 472 (D.C. Cir. 1983), which has been widely recognized as the leading case regarding Federal civil aiding and*

abetting and conspiracy liability, including by the Supreme Court of the United States, provides the proper legal framework for how such liability should function in the context of the Anti-Terrorism Act of 1987 (22 U.S.C. 5201 et seq.).

(7) The United Nations Security Council declared in Resolution 1373, adopted on September 28, 2001, that all countries have an affirmative obligation to “[r]efrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts,” and to “[e]nsure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice”.

(8) Consistent with these declarations, no country has the discretion to engage knowingly in the financing or sponsorship of terrorism, whether directly or indirectly.

(9) Persons, entities, or countries that knowingly or recklessly contribute material support or resources, directly or indirectly, to persons or organizations that pose a significant risk of committing acts of terrorism that threaten the security of nationals of the United States or the national security, foreign policy, or economy of the United States, necessarily direct their conduct at the United States, and should reasonably anticipate being brought to court in the United States to answer for such activities.

(10) The United States has a vital interest in providing persons and entities injured as a result of terrorist attacks committed within the United States with full access to the court system in order to pursue civil claims against persons, entities, or countries that have knowingly or recklessly provided material support or resources, directly or indirectly, to the persons or organizations responsible for their injuries.

(b) **PURPOSE.**—The purpose of this Act is to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.

### SEC. 3. FOREIGN SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

(1) by amending paragraph (5) to read as follows:

“(5) not otherwise encompassed in paragraph (2), in which money damages are sought against a foreign state arising out of physical injury or death, or damage to or loss of property, occurring in the United States and caused by the tortious act or omission of that foreign state or of any official or employee of that foreign state while acting within the scope of the office or employment of the official or employee (regardless of where the underlying tortious act or omission occurs), including any statutory or common law tort claim arising out of an act of extrajudicial killing, aircraft sabotage, hostage taking, terrorism, or the provision of material support or resources for such an act, or any claim for contribution or indemnity relating to a claim arising out of such an act, except this paragraph shall not apply to—

“(A) any claim based upon the exercise or performance of, or the failure to exercise or performance, a discretionary function, regardless of whether the discretion is abused; or

“(B) any claim arising out of malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, interference with contract rights, or any claim for emotional distress or derivative injury suffered as a result of an event or injury to another person that occurs outside of the United States; or”;

(2) by inserting after subsection (d) the following:

“(e) **DEFINITIONS.**—For purposes of subsection (a)(5)—

“(1) the terms ‘aircraft sabotage’, ‘extrajudicial killing’, ‘hostage taking’, and ‘material support or resources’ have the meanings given those terms in section 1605A(h); and

“(2) the term ‘terrorism’ means international terrorism and domestic terrorism, as those terms are defined in section 2331 of title 18.”.

### SEC. 4. AIDING AND ABETTING LIABILITY FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.

(a) **IN GENERAL.**—Section 2333 of title 18, United States Code, is amended by adding at the end the following:

“(d) **LIABILITY.**—In an action under subsection (a) for an injury arising from an act of international terrorism committed, planned, or authorized by an organization that had been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), as of the date on which such act of international terrorism was committed, planned, or authorized, liability may be asserted as to any person who aids and abets, by knowingly providing substantial assistance, or who conspires with the person who committed such an act of international terrorism.”.

(b) **EFFECT ON FOREIGN SOVEREIGN IMMUNITIES ACT.**—Nothing in the amendments made by this section affects immunity of a foreign state, as that term is defined in section 1603 of title 28, United States Code, from jurisdiction under other law.

### SEC. 5. PERSONAL JURISDICTION FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.

Section 2334 of title 18, United States Code, is amended by inserting at the end the following:

“(e) **PERSONAL JURISDICTION.**—The district courts shall have personal jurisdiction, to the maximum extent permissible under the 5th Amendment to the Constitution of the United States, over any person who commits or aids and abets an act of international terrorism or who conspires with the person who committed such act, for acts of international terrorism in which any national of the United States suffers injury in his or her person, property, or business by reason of such an act in violation of section 2333.”.

### SEC. 6. LIABILITY FOR GOVERNMENT OFFICIALS IN CIVIL ACTIONS REGARDING TERRORIST ACTS.

Section 2337 of title 18, United States Code, is amended to read as follows:

#### “§2337. Suits against Government officials

“No action may be maintained under section 2333 against—

“(1) the United States;

“(2) an agency of the United States; or

“(3) an officer or employee of the United States or any agency of the United States acting within the official capacity of the officer or employee or under color of legal authority.”.

### SEC. 7. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of the provisions and amendments to any other person not similarly situated or to other circumstances, shall not be affected by the holding.

### SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action—

(1) pending on, or commenced on or after, the date of enactment of this Act; and

(2) arising out of an injury to a person, property, or business on or after September 11, 2001.

Mr. CORNYN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Cornyn substitute amendment be agreed to; and that the bill, as amended, be read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3945) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Justice Against Sponsors of Terrorism Act”.

### SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds the following:

(1) International terrorism is a serious and deadly problem that threatens the vital interests of the United States.

(2) International terrorism affects the interstate and foreign commerce of the United States by harming international trade and market stability, and limiting international travel by United States citizens as well as foreign visitors to the United States.

(3) Some foreign terrorist organizations, acting through affiliated groups or individuals, raise significant funds outside of the United States for conduct directed and targeted at the United States.

(4) It is necessary to recognize the substantive causes of action for aiding and abetting and conspiracy liability under chapter 113B of title 18, United States Code.

(5) The decision of the United States Court of Appeals for the District of Columbia in *Halberstam v. Welch*, 705 F.2d 472 (D.C. Cir. 1983), which has been widely recognized as the leading case regarding Federal civil aiding and abetting and conspiracy liability, including by the Supreme Court of the United States, provides the proper legal framework for how such liability should function in the context of chapter 113B of title 18, United States Code.

(6) Persons, entities, or countries that knowingly or recklessly contribute material support or resources, directly or indirectly, to persons or organizations that pose a significant risk of committing acts of terrorism that threaten the security of nationals of the United States or the national security, foreign policy, or economy of the United States, necessarily direct their conduct at the United States, and should reasonably anticipate being brought to court in the United States to answer for such activities.

(7) The United States has a vital interest in providing persons and entities injured as a result of terrorist attacks committed within the United States with full access to the court system in order to pursue civil claims against persons, entities, or countries that have knowingly or recklessly provided material support or resources, directly or indirectly, to the persons or organizations responsible for their injuries.

(b) **PURPOSE.**—The purpose of this Act is to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.

### SEC. 3. RESPONSIBILITY OF FOREIGN STATES FOR INTERNATIONAL TERRORISM AGAINST THE UNITED STATES.

(a) **IN GENERAL.**—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605A the following:

**“§ 1605B. Responsibility of foreign states for international terrorism against the United States**

“(a) DEFINITION.—In this section, the term ‘international terrorism’—

“(1) has the meaning given the term in section 2331 of title 18, United States Code; and

“(2) does not include any act of war (as defined in that section).

“(b) RESPONSIBILITY OF FOREIGN STATES.—

A foreign state shall not be immune from the jurisdiction of the courts of the United States in any case in which money damages are sought against a foreign state for physical injury to person or property or death occurring in the United States and caused by—

“(1) an act of international terrorism in the United States; and

“(2) a tortious act or acts of the foreign state, or of any official, employee, or agent of that foreign state while acting within the scope of his or her office, employment, or agency, regardless where the tortious act or acts of the foreign state occurred.

“(c) CLAIMS BY NATIONALS OF THE UNITED STATES.—Notwithstanding section 2337(2) of title 18, a national of the United States may bring a claim against a foreign state in accordance with section 2333 of that title if the foreign state would not be immune under subsection (b).

“(d) RULE OF CONSTRUCTION.—A foreign state shall not be subject to the jurisdiction of the courts of the United States under subsection (b) on the basis of an omission or a tortious act or acts that constitute mere negligence.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 97 of title 28, United States Code, is amended by inserting after the item relating to section 1605A the following:

“1605B. Responsibility of foreign states for international terrorism against the United States.”.

(2) Subsection 1605(g)(1)(A) of title 28, United States Code, is amended by inserting “or section 1605B” after “but for section 1605A”.

**SEC. 4. AIDING AND ABETTING LIABILITY FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.**

(a) IN GENERAL.—Section 2333 of title 18, United States Code, is amended by adding at the end the following:

“(d) LIABILITY.—

“(1) DEFINITION.—In this subsection, the term ‘person’ has the meaning given the term in section 1 of title 1.

“(2) LIABILITY.—In an action under subsection (a) for an injury arising from an act of international terrorism committed, planned, or authorized by an organization that had been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), as of the date on which such act of international terrorism was committed, planned, or authorized, liability may be asserted as to any person who aids and abets, by knowingly providing substantial assistance, or who conspires with the person who committed such an act of international terrorism.”.

(b) EFFECT ON FOREIGN SOVEREIGN IMMUNITIES ACT.—Nothing in the amendment made by this section affects immunity of a foreign state, as that term is defined in section 1603 of title 28, United States Code, from jurisdiction under other law.

**SEC. 5. STAY OF ACTIONS PENDING STATE NEGOTIATIONS.**

(a) EXCLUSIVE JURISDICTION.—The courts of the United States shall have exclusive jurisdiction in any action in which a foreign state is subject to the jurisdiction of a court of the

United States under section 1605B of title 28, United States Code, as added by section 3(a) of this Act.

(b) INTERVENTION.—The Attorney General may intervene in any action in which a foreign state is subject to the jurisdiction of a court of the United States under section 1605B of title 28, United States Code, as added by section 3(a) of this Act, for the purpose of seeking a stay of the civil action, in whole or in part.

(c) STAY.—

(1) IN GENERAL.—A court of the United States may stay a proceeding against a foreign state if the Secretary of State certifies that the United States is engaged in good faith discussions with the foreign state defendant concerning the resolution of the claims against the foreign state, or any other parties as to whom a stay of claims is sought.

(2) DURATION.—

(A) IN GENERAL.—A stay under this section may be granted for not more than 180 days.

(B) EXTENSION.—

(i) IN GENERAL.—The Attorney General may petition the court for an extension of the stay for additional 180-day periods.

(ii) RECERTIFICATION.—A court shall grant an extension under clause (i) if the Secretary of State recertifies that the United States remains engaged in good faith discussions with the foreign state defendant concerning the resolution of the claims against the foreign state, or any other parties as to whom a stay of claims is sought.

**SEC. 6. SEVERABILITY.**

If any provision of this Act or any amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of the provisions and amendments to any other person not similarly situated or to other circumstances, shall not be affected by the holding.

**SEC. 7. EFFECTIVE DATE.**

The amendments made by this Act shall apply to any civil action—

(1) pending on, or commenced on or after, the date of enactment of this Act; and

(2) arising out of an injury to a person, property, or business on or after September 11, 2001.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CORNYN. Mr. President, I know of no further debate on the measure.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 2040), as amended, was passed.

Mr. CORNYN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I yield the floor.

**TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—Continued**

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, there is an urgent need that we must address—I hope it will be later in the day—which is emergency funding to facilitate a rapid response to a spreading public health crisis—now in Puerto Rico but threatening the rest of our Nation. There must be a rapid, robust response to the public health emergency the Zika virus poses.

Zika is a vicious, virulent virus capable of crippling and killing. We have seen its effects in some cases of developmental disability that has resulted to children. It poses a threat to 4 million people in the Americas.

Connecticut may not be generally thought to have a warm climate, but the mosquitoes are swarming and spawning there. They include a type of mosquito—the Asian tiger—that has now been documented to carry Zika. This poses an immediate and urgent threat for Connecticut and for the entire eastern coast and Northeast United States.

There is a way that Connecticut is contributing to a solution. Two of our companies in Connecticut, Quest and Protein Sciences, are actively working on a vaccine. I visited Protein Sciences recently and saw firsthand the work that is being done there, but the scientists at that company and others working on a vaccine need this emergency funding. That is their plea to us, and I hope we will respond to it today—not just because the vaccine is needed, but it must be part of a broader effort, to include eliminating and eradicating mosquitoes wherever possible, educating the public on how to protect themselves and particularly their children and pregnant women against this disease.

In Connecticut, there have already been six Zika diagnoses to date. There have been none resulting from infections in Connecticut but still affecting pregnant women. Our experience documents that any State in our country may be eventually affected.

My plea today is that we use this opportunity to pass emergency funding and not deplete or gut a critical resource—the Prevention and Public Health Fund. For example, this fund has provided \$324 million for section 317 immunization grant programs, which States rely on to maintain and increase vaccine coverage, particularly for uninsured Americans and for needed responses to disease outbreaks. Invading and decimating this fund will do lasting damage to the public health of America because the Prevention and Public Health Fund is the Federal Government's largest single investment in prevention.

Over the past 5 years, the fund has put more than \$6 billion toward overdue investments in disease prevention and public health promotion. Raiding