

other countries where terrorist organizations exist, and there are many. Libya is another example.

The Government of Libya is not responsible for acts of terror committed by terrorist organizations that exist and are functioning today within Libya.

All the Senator from South Carolina and I are saying is, we do not in any way want to prevent the families, loved ones, and those who have suffered so much agony and pain over this horrendous and horrific attack that took place on 9/11—in fact, I am proud of our record of support of everything we could possibly do for those families, but we are going to invoke the law of unintended consequences.

For example, if we are going to sue—if a nation that has significant investments in the United States of America, whether it be in the stock market or other investments, and that country knows it is going to be sued and possibly have its assets frozen, any thinking government is going to withdraw those assets so they cannot be frozen as the court proceedings go on. That is just a small example.

The other example is our Middle Eastern friends doubt us. They doubt us because when the redline was crossed and we said we would act, we didn't. They doubt us when we see the rise of terrorist organizations, Al Qaeda, ISIS, and their spread. They doubt our commitment. If they believe that because of the actions of an organization or citizens from within their country they are going to be brought to court, prosecuted, sued for damages and held liable, obviously, I think their course of action would be to withdraw.

We don't want our friends to withdraw from the United States of America nor do we want to see long, drawn-out legal cases which, frankly, don't benefit them nearly as much as the trial lawyers.

The changes that Senator GRAHAM and I are proposing are modest. Logically, I think you should not pursue or prosecute a government that did not knowingly—the word isn't "abetted" or "orchestrated"—but knowingly stand by and assist a terrorist group. They shouldn't be dragged into our courts. If we don't fix it, our ability to defend ourselves would be undermined.

I just wish to emphasize one point the Senator from South Carolina made. We have had drone strikes in many countries in the world. Pakistan is another example. All of us have supported the efforts, many of them successful, in destroying those leaders who were responsible for the deaths of American servicemen and servicewomen. It is a weapon in the war against terror, but sometimes, as in war, mistakes were made and innocent civilians were killed along with those terrorists. Does that mean the United States of America, the government, is now liable? I am afraid that some in the tort profession would view this as an opening to bring suits against the United States of

America. In fact, we are already hearing that is being contemplated in some places.

I hope Senator SCHUMER and Senator CORNYN will look at these concerns that we and our friends have, especially in the Middle East, and make these very modest modifications, which are modest in nature but of the most significant impact.

Mr. GRAHAM. If I could add to what Senator McCain said, the language we are talking about putting back into the statute was originally there. Somebody took the discretionary function language out of the original bill. I guess a lot of them missed it. The more you think about what we are trying to do, we are trying to make sure foreign governments that intentionally engage in acts of terrorism are held liable at every level in the courts, the courts of public opinion, and could suffer reprisals from the United States.

Let's go back to Libya, the Lockerbie bombing. It is clear to me, the Libyan Government orchestrated the downing of that aircraft. Over time, evidence was developed and lawsuits were brought. I think Qadhafi's people did that.

Right now Libya is just a mess. Whatever government they have cannot be held responsible for what ISIL is doing in Libya, unless they knowingly engage in the financing and sponsorship of terrorism.

Here is the point. We are supporting the YPG Kurds in Syria to help destroy ISIL. They are a Kurdish group who are sort of the ideological cousins to the PKK inside Turkey who are defined by Turkey and most everybody else as a terrorist organization. With some reservations, I support trying to get the YPG Kurds to help us destroy ISIL, but I don't want that help to expose us if, for some reason, unbeknownst to us, they fall in league with the PKK and attack somebody in Turkey.

We didn't knowingly do that. We are trying to sign them up, a discretionary function, to get allies to go after ISIL. I don't want to be responsible for anything they may do in the future unless we were knowingly part of it.

This is what I will tell Senators SCHUMER and CORNYN. I appreciate what you have done on behalf of 9/11 families. This was the original language that I think needs to be put in because here is where we stand right now. As a nation, we are opening ourselves to lawsuits all over the world. It will be not enough in this statute to exempt soldiers and CIA operatives because down the road another country may not do that. Once you expose yourself to liability, who can be sued is in the hands of another country.

What I want to do is let the United States be clear in two areas. To any country that engages in acts of terror against us, we are coming after you—not just through the courts but hopefully militarily. To our allies and people around the world who are having to make hard decisions, such as Saudi

Arabia and Yemen, trying to form alliances to deal with Houthis sponsored by Iran, we don't want to open Pandora's box, that when a country has to make alliances with people—such as we are doing with the Kurds—that we own everything they do. It has to be for a liability, to attach "knowing."

In the case of 9/11, if the Saudi Arabian Government knowingly engaged in the financing or sponsorship of terrorism, whether directly or indirectly, they could be held liable under the law we just passed—if you adopt our language. Without our language, there is no "knowing" requirement. That is not fair to them, it is not smart for us, and we need to get this fixed while we still have time because as I speak, people are engaged in combat, diplomacy, and the dark art of espionage all over the world.

If we don't fix this, we are going to create a new class of victims. We are going to put people at risk of being captured, killed, tortured, and imprisoned abroad. That doesn't help the 9/11 families.

The war started there. It is still very much going on. As we try to make sure that we look backward to address the wrongs of the past and help the 9/11 families, which we should, we also owe it to those who are in the fight today not to unnecessarily expose them.

If you want allies—which we desperately need—we need to think long and hard about the exposure they have here at home because we could be in the same boat over there.

All we are saying to any ally of the United States is, you can't be sued in the United States for an act of terrorism unless you knowingly were involved, and the same applies to us in your country.

Because it could be interpreted that someone from that country or someone in that country committed an act of terror, therefore, the government of that country is held responsible. That is not right. That is not what this should be all about. Certainly, there are a number of government sponsors of terrorism, but the people who are affected by—the governments that are affected by this legislation are also not worthy, or not necessarily, and certainly they will react in a rather negative fashion. We will be opening a Pandora's box, which we will have to close with great difficulty and certainly with great regret.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO ADMIRAL CECIL D. HANEY

Mrs. FISCHER. Mr. President, I rise today to recognize ADM Cecil D. Haney

at the conclusion of his tenure as commander of U.S. Strategic Command and on his upcoming retirement from the U.S. Navy.

Admiral Haney has been an exemplary officer, and he has been an outstanding leader. Over the course of his 38-year career in the Navy, he has made countless sacrifices for our country. I commend his service and the sacrifices of his family, including his wife Bonny, his daughter Elizabeth, and his two sons, Thomas and Joey. I express our great appreciation for his leadership and devotion to our Nation's security.

I first met Admiral Haney in 2013, when he was nominated to succeed General Kehler as the commander of STRATCOM. Over the past 3 years, it has been my great pleasure to work with him, and I am grateful for his wise counsel and his firm resolve to always do what is best for our Nation and for the men and women he leads.

Secretary Carter has pointed out on many occasions that our nuclear forces remain the bedrock of our Nation's security, and as the commander of U.S. Strategic Command, Admiral Haney spent the last 3 years ensuring that this bedrock remained strong. Every day our Nation relies on its nuclear forces to deter strategic attack on the United States and our allies. Admiral Haney has ably led the forces that comprise our nuclear deterrent as they perform this highest priority mission.

He has also been a strong advocate for the modernization of our aging nuclear infrastructure—no small task in a time of capped budgets. His ability to work closely with Members of Congress and his clear-eyed assessments—such as the statement he delivered to the Committee on Armed Services last year that “there is no margin to absorb risk” in our plans to modernize our nuclear enterprise—have helped maintain congressional consensus on the importance of following through with those modernization commitments.

Admiral Haney has also shown strong leadership and provided valuable advocacy with respect to the other capabilities for which the command is responsible. For example, he led the effort to establish the Joint Interagency Combined Space Operations Center, which will become a crucial command and control node, ensuring our Nation has the ability to protect and defend critical national space infrastructure.

Admiral Haney's selection as commander of the U.S. Strategic Command was a fitting capstone to a career of service that never strayed far from the nuclear mission. He began his career in 1978 as a distinguished graduate from the U.S. Naval Academy. Rising quickly through the Navy, he went on to command the USS *Honolulu*, Submarine Squadron 1, Submarine Group 2, and to become the director of the Submarine Warfare Division and the Naval Warfare Integration Group. In 2010, he became the deputy commander of U.S. Strategic Command, after

which he served as commander of the U.S. Pacific Fleet.

In each role, Admiral Haney has set a strong example for those under his command by faithfully discharging his duties with professionalism and dedication.

With nearly four decades of dedicated service to our Nation, Admiral Haney deserves our most heartfelt gratitude and praise. So I thank the admiral and wish him the best and also the best to his family.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CRUZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

### CASTRO REGIME

Mr. CRUZ. Mr. President, it was Armando Valladares, a Cuban dissident and poet who was imprisoned for 22 years under the Castro regime, who so powerfully observed in his memoir:

My response to those who still try to justify Castro's tyranny with the excuse that he has built schools and hospitals is this: Stalin, Hitler and Pinochet also built schools and hospitals, and like Castro, they also tortured and assassinated opponents. They built concentration and extermination camps and eradicated all liberties, committing the worst crimes against humanity.

This week we witnessed a powerful moment for people all across the country and especially for Cuban-Americans like myself. Cuba's longtime oppressive dictator Fidel Castro is dead. Let me be absolutely clear. We are not mourning the death of some revolutionary romantic or a distinguished statesman. We are not grieving for the protector of peace or a judicious steward of his people. Today we are thankful. We are thankful that a man who has imprisoned and tortured and degraded the lives of so many is no longer with us. He has departed for warmer climes.

This brutal dictator is dead, and I would like to pay tribute to the millions who have suffered at the hands of the Castro regime. We remember them, and we honor the brave souls who fought the lonely fight against the totalitarian Communist dictatorship imposed on Cuba. Yet, at the same time, it seems the race is on to see which world leader can most fulsomely praise Fidel Castro's legacy while delicately averting their eyes from his less than savory characteristics. Two duly-elected leaders of democracies who should know better, Canadian Prime Minister Justin Trudeau and American President Barack Obama, have been leading the way.

Mr. Trudeau praised Castro as a “larger than life leader who served his people for almost half a century” and “a legendary revolutionary and orator,

[who] made significant improvements to the education and healthcare of his island nation.” Tell that to the people in the prisons. Tell that to the people who have been tortured and murdered by Fidel Castro.

Mr. Obama likewise offered his “condolences” to the Cuban people and blandly suggested that “history will record and judge the enormous impact of this singular figure.” Now, he added, we can “look to the future.”

What is it about young leftists, what is it about young Socialists that they idolize Communist dictators who torture and murder people? Fidel Castro and Che Guevara and all of their goons were not these sexy, unshaven revolutionaries on posters in college dorm rooms that make leftists go all tingly inside; they were brutal monsters, and we should always remember their victims.

Earlier this week, I publicly called that no U.S. Government official should attend Castro's funeral unless and until his brother Raul releases the political prisoners—first and foremost, those who have been detained just since Fidel's death. Unfortunately, in this administration, my call went unheeded. Two high-level U.S. Government officials attended Fidel's memorial service yesterday. This unofficial delegation included Ben Rhodes, assistant to the President, National Security Advisor for Strategic Communications, and Jeffrey DeLaurentis, the top U.S. diplomat in Cuba.

Yesterday, when asked about a U.S. presence for the memorial service, White House Press Secretary Josh Earnest said, “We believe that this was an appropriate way for the United States to show our commitment to an ongoing future-oriented relationship with the Cuban people” and that “this is an appropriate way to show respect, to participate in the events that are planned for this evening, while also acknowledging some of the differences that remain between our two countries.” I am afraid I must ask Mr. Earnest whether any of these “differences” were publicly acknowledged while Rhodes and DeLaurentis were commemorating the legacy of Fidel Castro. How exactly do you commemorate it—cheers to the tyrant? I suspect that those “differences” were not mentioned in the funeral pamphlet. Mr. Earnest also claimed last night: “Certainly no one from the White House and no other delegations will be sent to Cuba to participate in any of the other events.”

Well, that is comforting. Let's hold him to those words. My hope and prayers are that these officials do not attend the funeral. Although I must say, it is quite convenient that Rhodes had a preplanned trip to Cuba this week. Earnest remarked that “Mr. Rhodes has played a leading role in crafting the normalization policy that President Obama announced about two years ago” and “he has been the principal interlocutor with the Cuban government from the White House in