

things that will save and improve lives in America.

For me, it is personal for two or three reasons. One reason is the pediatric rare disease provision. In 2005 I met a young lady named Alexa Rohrbach. Alexa was 5 years old when I met her. She came to lobby me about finding cures for incurable diseases and incurable cancers. She had a cancer called neuroblastoma. She won my heart over. I have her picture in my office. I had dinner with her parents 2 weeks ago in Atlanta at the Rally Foundation annual dinner.

Alexa got her angel wings 2 years ago and is in Heaven looking down today, but I am testifying on Alexa's behalf that the more we can do to accelerate research and development for cures of rare diseases, the more we can make the lives of people happy and long, rather than short and sad. Alexa Rohrbach was an inspiration to me, and I speak today for the 21st Century Cures bill, in part, because of Alexa Rohrbach because if this bill had been in place before I met her in person, she would have been saved from the rare disease she had. We would not have to talk about her in the past tense but only in the present.

The second reason is, there are things I worked on for a long time that are coming to full fruition. One of the measures is home infusion. I have a wonderful son named Kevin, who was almost killed in an automobile accident when he was 18 years old in 1989.

Kevin got a bad leg infection. He had the bottom part of his leg blown off and lost a lot of the bone, and they had to put a lot of replacements in, a lot of metal rods. He had to lie in a hospital bed with antibiotics running through his system to keep his bone marrow from getting infected.

When he came home, for the next 6 months he had to be administered antibiotics daily. My wife and I administered those through home infusion. He was able to recover from this disease at home, in his own bed, with his own parents attending to him. Under the law today, for home infusion to be reimbursable, it is only reimbursable if you are in the doctor's office or if you are in the hospital. If you are doing it at home with visiting nurses or any other way, you can't do it.

What costs more, a hospital or home visit? Obviously, a hospital. This bill provides a way for us to find a way forward to reimburse home infusions at home. It is the safest, best, most efficient, and least expensive way to deliver home infusions, incentivized by the 21st Century Cures bill.

We also know that neurological diseases such as Parkinson's, MS, and Alzheimer's are more prevalent than ever before. They are the No. 1 disease for people my age and the generations to follow. This bill creates a neurological disease registry of all these diseases which have common characteristics to help the CDC in early diagnosis and early treatment. I, as one who suffers

from one of those diseases, can tell you the more you learn from one you can tell about another.

I commend Senator ALEXANDER in his efforts to bring that forward so we have a neurological disease registry that works, that we have an expedited review process for drugs of rare cancers in children, and so we do the things we need to do to cure the bad diseases of the 20th century so the lives of the people in the 21st century are better.

Chairman ALEXANDER is a unique individual. He is a former college president, a U.S. Senator, candidate for president of a university, and a great chairman of the Health, Education, Labor, and Pensions Committee. If we pass this bill as a trademark to him next week, it will be, in large measure, because of his belief that if you give everybody a chance to be a part of the same thing, whether Republican or Democrat, rich or poor, northerner or southerner, they will work together to do the right thing for the American people. Senator LAMAR ALEXANDER deserves our credit, deserves our appreciation, and I thank him for allowing me as a member of the committee to have the chance to work on the 21st Century Cures legislation.

#### REMEMBERING CARL W. KNOBLOCH, JR.

Mr. ISAKSON. Mr. President, I wish to pay tribute to a great American and a great Georgian who passed away last week in Atlanta, GA. The cities of Wilson, WY, and Atlanta, GA, lost a great citizen last week, America lost a great patriot, and philanthropy lost one of its greatest contributors.

Carl Knobloch passed away last Friday. Carl was a personal friend of mine and a unique individual and a unique inspiration to me and many others. He was a gentleman who went to the Hill School, then went to Harvard, and then went to Yale. He was a leading intercollegiate fencer and won an international medal for his intercollegiate fencing ability.

He went into business using everything he learned as a Baker Scholar at Yale University. He went into business. His first business was a drive-in theater in Zimbabwe. His second business was an oil and gas business in Africa. He then went on to build businesses all over the United States of America dealing with natural resources, dealing with gas and oil. He was a specialist in taking companies that were failing and turning them around and making them profitable. Do you know how he did it? He believed that everybody who had helped him succeed ought to have equity in the projects he succeeded in, so he made people who owned failing companies that he took over equity partners so that when he turned the company around, they profited from the work they put in to save the company. That is a great leader of business.

He also was a great subscriber to Theodore Roosevelt's great statement,

which he made as President of the United States, which I want to read verbatim:

The nation behaves well if it treats the natural resources as assets, which it must turn over to the next generation.

Therefore, a great American businessman, Carl Knobloch, formed the Knobloch Family Foundation to take much of his wealth and much of the wealth he gained and direct it toward saving the natural resources of the United States of America. Whether it was our wildlife, whether it was our land, whether it was our oceans, whether it was our plains, or whether it was our beach fronts, whatever it was, where he could save and conserve our assets, he did. He put most of his lifelong earnings into that.

He and his beautiful wife Emily were great friends of my family. Emily will miss him dearly, as I will miss him.

I know America is a better country today because of Carl Knobloch. The environment is safer in America because of Carl Knobloch. The United States of America has lost a great patriot and a great friend.

I pay tribute to my friend Carl Knobloch of Wilson, WY, and Atlanta, GA.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### AMENDING THE JUSTICE AGAINST SPONSORS OF TERRORISM BILL

Mr. GRAHAM. Mr. President, I would like to address the body for just a moment. Senator MCCAIN is on his way. We are talking about a problem we are trying to solve that is an important problem for our Nation as a whole and I think eventually for all of those who serve our Nation abroad.

Recently, we passed a bill 99 to 1—I cannot remember the number—that would allow victims of the 9/11 attack to bring a lawsuit under a claims act basically against a foreign entity, a government, for any complicity they may have had in the 9/11 attack.

I just want people to understand that basically here is the deal: Sovereign immunity exists for us. It exists for sovereign governments, but it is waived. If you get hurt by a Federal Government employee, even though sovereign immunity is available to the U.S. Government, we have a Federal Tort Claims Act, and you can bring a claim if somebody—if a postal truck hits you, you can bring a claim under the Federal Tort Claims Act. We waive sovereign immunity in limited circumstances. The same is true if you are in New York or Washington and someone driving a car, working for a

foreign government, hits you. You can actually bring a lawsuit. If there is a tort committed against you or your family by a foreign entity, just as long as the people are within the scope of their employment, you can sue.

What about terrorism? We are not talking about car wrecks. We are not talking about slip-and-falls. We are talking about something that nobody really thought of when they created the exception to foreign immunity; that is, an act of terror.

So here is where Senator McCAIN and I come out. We want 9/11 families and other people who may be victims of state-sponsored terrorism to have the ability to take the perpetrator to court. What we don't want is our government or any other government sued for a discretionary planning function, an exercise of sovereignty in the normal course of business.

Let me tell you why this is important. We are using drones all over the world to go after terrorists. We went inside Pakistan to kill bin Laden. Sometimes these drone attacks are designed to kill terrorists and unfortunately civilians are injured and sometimes killed. The United States is not intentionally trying to kill these civilians. We are not joining with a terrorist organization to kill innocent people. We are actually exercising national security discretion. You don't want countries that are involved in making political decisions to defend themselves to be exposed in court.

So what we have done to amend the law that was passed overwhelmingly is to create a caveat to the law. You can sue a foreign state for tortious acts, but when it comes to terrorism, when a terrorist entity takes innocent lives, the only time you can sue that country is if the foreign state knowingly engaged in the financing or sponsorship of terrorism, whether directly or indirectly. Why is that important? That protects us as we go throughout the world trying to kill terrorists who are trying to kill us all, and sometimes we hit innocent people. It protects the United States in its efforts to defend itself in a very dangerous world. We don't want to be sued under those circumstances. We try to do right by innocent people, but we don't want to expose the Federal Government or its employees to being hauled into foreign courts or international tribunals to be accused of war crimes.

So we are trying to work with Senator SCHUMER and Senator CORNYN, who deserve a lot of credit for trying to help the 9/11 families. Here is what we are asking: We are asking that we put a caveat to the law that just passed, saying that you can bring a lawsuit, but if you are suing based on a discretionary function of a government to form an alliance with somebody or to make a military decision or a political decision, the only time that government is liable is if they knowingly engage with a terrorist organization directly or indirectly, including financ-

ing. I am OK with that because our country is not going to fall in league with terrorists and finance them to hurt other people.

If we don't make this change, here is what I fear: that other countries will pass laws like this. They will say that the United States is liable for engaging in drone attacks or other activity in the War on Terror and haul us into court as a nation and haul us into court to whom we give the responsibility to defend the Nation into foreign court.

The fix is not the following: The statutes say that military members and CIA officers and other people cannot ever be sued or held liable. That won't work. I don't want any nation state, including ours, to be sued for a discretionary act unless that discretionary act encompasses knowingly engaging in the financing or sponsorship of terrorism, whether directly or indirectly.

You can not fix this problem without making this change. Here is the problem: Every time a drone is launched, every time Americans go in harm's way, every time a diplomatic engages in activity abroad, we are subjecting them and our Nation to lawsuits, potential imprisonment. We need to fix this because if we don't fix this, it will come back to haunt us.

So the right to sue exists, but when it comes to a discretionary act, such as launching a drone, the only way a country can be sued when terrorism is involved is if you can prove the country knowingly engaged in supporting that terrorist network directly or indirectly. That fixes the problem we face as a nation. That would send a signal to the world that we are not opening a Pandora's box. It would allow the 9/11 families to move forward, but their burden would have to be that any government they sued knowingly engaged in activity with a terrorist who launched 9/11. I think this is the right compromise. If we don't change the law along the lines I have just indicated, we are going to create a new class of victims—those who serve on foreign shores under the banner of the United States—and that is not helping the 9/11 families.

I hope that these negotiations will bear fruit and that we can get this fixed this year. If not, next year Senator McCAIN and I will introduce legislation along the lines I have described. We are not going to stop until we have this problem fixed because it is a real problem for people serving the United States in real time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from South Carolina.

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

Mr. McCAIN. My friend is correct. He and I were both Members of this body the day the 9/11 attacks took place as we fled the Capitol and watched the Pentagon. Of course, none of us will

ever forget the horror and terror of that day, nor will we ever stint in our commitment to making sure the families of those who sacrificed their lives and were wantonly murdered on that terrible day are adequately compensated in every possible way for the tragedy—and we can never fully repay them. But it is a reality. None of us will ever forget it. But that does not mean, that cannot mean that we would endorse legislation that would hold the government of a nation responsible for an act that was committed from that country.

We know that today as we speak, in Iraq, in Mosul, there are weapons factories. There are chemical weapons factories designed to attack different places in the world.

I would ask my friend, if there is an attack from Mosul and lives are lost, and of course the government of Iraq doesn't know anything about it, is the government of Iraq now liable, held responsible for the actions of terrorists within their country without them knowing that those activities are taking place?

Unfortunately, there are terrorist organizations in many nations throughout the world, as Al Qaeda has metastasized and terrorism has spread throughout the regions. Acts of terror are committed and innocent people are killed every single day. Does that mean the governments of those countries are to be held responsible? Obviously, I think the answer is no.

What we are doing with this well intentioned legislation, which all of us are supportive of—but what we do not intend and should not intend is to hold a foreign government responsible for actions that were taken by a terrorist or terrorist organizations. We know that some of those who committed the attacks of 9/11 were Saudi citizens, but that does not then necessarily mean the Saudi Government is responsible for the actions of terrorists. Unfortunately, this legislation does not define that. That is why it is so important.

There are several aspects of this legislation that need to be fixed, but the most important aspect is the phrase that says that this nation has to "knowingly" assist a terrorist group. If you can prove that any government was behind a terrorist attack of the United States of America, that government, that nation, should be held responsible. Those who are injured or harmed should be compensated in every possible way, but to hold a nation's government responsible for acts of terror that were taken by individuals or organizations within that country, without them even knowing about it, then that opens a Pandora's box of incredible proportions.

For example, is the Government of Saudi Arabia responsible for the acts that took place on 9/11? Is the government of other Middle Eastern citizens from other Middle Eastern nations? For example, are organizations that exist within—again, I use Iraq and

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