

“Your bill doesn’t seem to have enough in it. What happened to LNG?” we say “You took it out.” Let’s not be moving the goalpost.

What we have is vitally significant for many in our Western States. It includes forest management reform with the potential for a fire budget fix, for our sportsmen and women who care about accessing our public lands for hunting and fishing and recreational shooting. It includes a water package to help boost our water storage and management in some of our most drought-stricken Western States. It has a robust public lands title with more than 50 bills in it that provide everything from the expansion of a VA cemetery in South Dakota to high-priority land exchanges in places like Colorado. We have language related to the National Park Service Centennial that really sets our national parks on track for a second century. It includes a range of nuclear, cyber security, and hydroelectric innovation policies. These are good things that will help our country move forward and produce more energy that is affordable, reliable, and free of any form of pollution. We have worked so hard.

To be here on the 8th of December and say we are out of time—well, tell that to the sportsmen who have been working for 6 years to get a legislative package. And here we are on December 8 saying we are done. Tell that to those—particularly from the West—who are concerned about wildfire threats year after year and whether the funds are going to be there not only to address fire but to be there for the other accounts that our agencies are worried about. Tell them that we ran out of time on December 8.

Mr. President, I have to say that we have not run out of time; we have, unfortunately, run out of a desire to work together to finish important work for this country. We have plenty of time and should not be making excuses. Now is not the time to run down the clock. We must recognize that we have worked for 2 long years and this work deserves to be placed into law.

I urge my friends and my colleagues in the other Chamber to work with us on this. Let’s not give up on energy policy.

With that, I yield the floor. I thank my colleague for the indulgence of some additional time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate the good work Senator MURKOWSKI does in cooperation with people in this institution.

REMEMBERING JOHN GLENN

Mr. President, today our country lost an American hero, Col. John Glenn, Senator John Glenn. I will be back on a later date to deliver a more formal tribute with my colleague Senator PORTMAN, but I wish to share some initial thoughts as I, along with my wife Connie and so many Ohioans, mourn for John Glenn and join so many people

around the country who loved him and cared for him and respected him.

It has been one of the great lessons of my life to get to know John Glenn and for Connie and me to count him and Annie as mentors and friends. We remember just a few short years ago, on the 50th anniversary of his flight into space, the night before, we had dinner with John and Annie, Connie and I and his children, David and Glen, and his daughter-in-law, David’s wife, and how interesting and joyous it was to hear him recount his experiences and so much of what he has done. We loved him. We will miss him. We will continue to draw strength and wisdom from the lessons he shared with us over the years.

The first time I met John Glenn was in 1969. It was Colonel Glenn then, long before he was elected to the Senate. Colonel Glenn spoke at an Eagle Scout dinner in Mansfield, OH. Only a few short weeks earlier, in my court of honor, I was awarded the Eagle Scout award. I was 16 years old. I got to meet Colonel Glenn. His words inspired us. They stayed with me as I grew up and looked for ways to serve community and country.

Thirty years later, John granted me the honor of walking me down this center aisle. When Senators are sworn in, any term they serve, they are often accompanied by a Senator from their State or a former Senator—whomever that Senator-elect or that Senator who is soon to be sworn in chooses—and I chose to walk down with my friend and former Senator, at that point, John Glenn.

John had a humility and a kindness unusual, perhaps, in this business and in, perhaps, somebody of his level of accomplishment. His kindness and intelligence, his courage—we know about that—and his commitment to service set an example that our country needs today more than ever. His legacy will live on not just in the pages of history books, it will live on through the Americans he inspired, whether it was a passion for exploration that led him to join NASA, a dedication to country that called him to the Armed Forces, or a desire to make the world a better place that led him to public service.

John will live in the hearts of everyone who knew and loved him, including his beloved wife Annie and his wonderful children, Glen and David.

I spoke with Annie and John on their 73rd wedding anniversary, and Annie told me the story that—I knew they knew each other in grade school. They dated beginning—I don’t know exactly when. I asked Annie if they wanted to marry in high school, and she said yes, but her parents said they couldn’t do that because it wouldn’t last. So they waited until after Pearl Harbor, when I believe John was 20 and Annie was 21, and they were married for 73-plus years.

Ohio and the United States have lost a great light today, but that pales in comparison to what we gained over his

95 years on Earth. I hope my colleagues will join me in sending out our love and prayers to John’s family at this difficult time during the holidays.

I heard John Glenn stories even today at the ceremony unveiling the portrait of our Democratic leader HARRY REID, which took place in the Russell Building, and a number of former colleagues of John’s came up to me and they had just heard of his death that happened midafternoon today. So I thank them for their memories.

MINERS PROTECTION ACT

Mr. President, last night Senator MANCHIN and I were on the floor of the Senate with Senators WYDEN and DONNELLY and CASEY, and we were again asking our colleagues to honor the commitment Harry Truman made seven decades ago to the mine workers of this country, to the retired mine workers, and to their widows. We all know that the life expectancy of mine workers is often less than the life expectancy of a teacher or an elected official or an insurance agent or someone who works in many other kinds of businesses. They are more likely to be injured on the job. They are more likely, in some cases, to perish on the job. They are more likely to contract an illness from the air they breathe and the conditions in the mines, whether it is black lung or whether it is some kind of heart disease. So this is particularly important to mine workers and the widows, that we take care of their insurance.

Most of the mine workers I know got a notice in late November or early this month saying their insurance would be cut off at the end of December. What a Christmas present. We have asked Senator MCCONNELL, the Republican leader, who seems to be the only one standing in the way, month after month after month to fix this so these widows and these retired miners don’t get this notice saying: Your insurance will be cut off.

Finally, Senator MCCONNELL, the Republican leader, asked us to make it bipartisan. We did. We have a number of Republican cosponsors, including Senator PORTMAN from my State, Senator CAPITO from West Virginia, and a number of others. We did that.

Then Senator MCCONNELL said: Go through regular order; put a bill through committee. We did that 18 to 8 in the Senate Finance Committee—every Democrat joined by a third or so of the Republicans. We did that.

Then he said: That is not good enough; now we want you to find a way to pay for it. We did. No tax dollars involved. This is money in the abandoned mine funds assessed against the mine companies, accumulated over the years.

We did all three of those things. Still, Senator MCCONNELL, because of his antipathy, apparently, toward the United Mine Workers union—if he wants to have antipathy towards the union, if he

hates unions, that is his business. I would rather he didn't, but that is his business. But to stand in the way of these widows and these retired mine workers because of his animosity toward the union is pretty troubling.

Last night, Senator MANCHIN and I, issue after issue after issue, continued to object to other generally non-controversial bills that we support—some I cosponsored—until this body does its job. But if this Senate doesn't act—it looks like a number of Senators, as House Members, apparently have already gone home for Christmas, so I will have plenty of colleagues go home and celebrate the holidays. Regardless of their faith, they will celebrate the holidays in the 3 upcoming weeks. But these thousands of mine workers and thousand of mine worker retirees and thousands of widows of mine workers—their Christmas isn't going to be so good because now—Senator MCCONNELL offered a little bit and said: We will give you a 4-month extension. But do you know what that means? That means they will get the letter. They have already gotten the first letter saying their insurance runs out at the end of December. Now they will get a second letter, if we do the 4-month extension, in January or February saying: Sorry, it is going to run out again in April.

How would we like to live that way? You are going to have insurance until this date, and then we will give you a little extension and you can have it until that date. That is simply not fair. Maybe it is OK for us because we have good benefits and we have good insurance, but it is not OK with them.

So I am hopeful that Senator MCCONNELL and Republican leaders will bring this to the floor, will support a 1-year—we want more. We would like to see the pension problem fixed too. But before the holidays, let's do a 1-year extension on the insurance. It is a commitment President Truman made and Presidents of both parties for seven decades have honored. It is the least we can do. I think we should stay here and work up until Christmas if it doesn't happen.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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.

Mr. GRAHAM. Mr. President, I ask unanimous consent to enter into a colloquy with Senator MCCAIN when he arrives.

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

Mr. GRAHAM. Right on cue, so I will start off here.

Mr. MCCAIN. Mr. President, I ask unanimous consent for a colloquy between myself and the Senator from South Carolina.

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

Mr. GRAHAM. Just to make sure.

JASTA

Very briefly, I will let Senator MCCAIN lead off, but I want to talk about the way forward regarding JASTA.

Mr. MCCAIN. Mr. President, I would like to join my friend and colleague on this issue that is of transcendent importance to America's relationship with our friends and allies—literally placing Americans and American companies and corporations and governments in great danger—particularly governments.

I would just like to mention in passing, if my colleague will indulge me very quickly, because I have here in front of me—and I will ask that it be included in the RECORD—statements from the President of the United States, the Director of the CIA, the Chairman of the Joint Chiefs of Staff, the Secretary of State, and the Secretary of Defense, all on this issue we are talking about.

The leaders of our government, from the President on down, including the heads of our most important defense agencies, have expressed—and I will quote them in just a minute.

My friends, Congress passed the Justice Against Sponsors of Terrorism Act, or JASTA. It was well-intentioned to allow claims against foreign governments that might be complicit in terrorist attacks against the United States. The spirit behind the legislation is noble. Any foreign government behind the attack on our homeland or our citizens must be held accountable. But it has become clear that the unintended consequences of this legislation are quite grave.

As it exists now, JASTA presents a significant risk to the United States and our military and diplomatic personnel serving across the globe.

As it currently exists, as my colleague from South Carolina will explain in greater detail, JASTA undermines a fundamental international norm of sovereign immunity that protects governments from being sued in court except in narrow circumstances. If this law is not narrow—and please, my colleagues, understand, the Senator from South Carolina and I are not for abolishing this law; we are for putting in a scope that protects the United States of America; that is, if we allow our laws to target governments indiscriminately, we will expose our country to grave risk and undermine our ability to pursue justice in a complex world.

No country in the world stands to lose more from an erosion of these legal standards than the United States of America. The United States has more bases and more forward-deployed personnel protecting peace and security than any other country. JASTA now gives these countries an incentive to bring these brave men and women to court to answer for U.S. counterterrorism policies.

If other countries pass similar legislation, it means the United States and

American soldiers, diplomats, and intelligence officers serving in some of the world's most dangerous and difficult countries will be forced to justify their actions and defend the policies we have made to defend this country before courts that may not share our standards of due process and fairness. Our allies will wonder if it is wise to join our coalitions to fight terrorism if they, too, will face legal liability in courts around the world. Thus, we are faced with the twisted irony that the men and women who put themselves in harm's way to bring the 9/11 attackers to justice and to defeat those who still seek to attack the United States are the people placed directly at risk by JASTA.

We must be concerned with the diplomatic and economic fallout of this law. Our allies and partners around the world, particularly those who struggle with terrorism at home, now wonder when they might be hauled in to courts for terrorist actions. They face potential court-ordered damages and asset seizures. Their citizens and companies doing business in the United States are at risk. It is only reasonable that these countries will consider pulling their assets and resources out of the United States out of fear.

In short, JASTA could cause our allies in the fight against terrorism to distance themselves from us as a country that most needs their support against those who mean to do us harm.

Now I would like to provide some quotes. Our Nation's top national security officials have issued statements and written to Congress to warn us about the unintended consequences of JASTA.

Let's begin with President Obama. I will quote from his letter from White House. He wrote:

JASTA . . . would neither protect Americans from terrorist attacks nor improve the effectiveness of our response to such attacks. Doing so would instead threaten to erode sovereign immunity principles that protect the United States, including our U.S. Armed Forces and other officials, overseas.

I will admit that Senator GRAHAM and I have a special relationship with the men and women who are serving—his 22 years as a member of the U.S. Air Force Reserve and every year going to Iraq or Afghanistan; I obviously have sons who have served. I don't want to see my sons or anybody else's sons in court because they might have violated a sovereign nation the way that we are saying JASTA affects our country.

Enacting JASTA into law, however, would neither protect Americans from terrorist attacks nor improve the effectiveness of our response to such attacks. Doing so would instead threaten to erode sovereign immunity principles that protect the United States, including our U.S. Armed Forces and other officials, overseas.

The Secretary of Defense wrote:

U.S. Servicemembers 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.

He continued to say that, whether guilty or innocent, "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. . . . Our servicemembers might be required to testify about or provide documents on operations that they are obligated under U.S. law not to disclose, exposing them to punishment for contempt by the foreign court, including imprisonment."

According to the Secretary of Defense, we could be risking imprisonment for the men and women who are serving in our military overseas.

The Chairman of the Joint Chiefs of Staff—I think we all respect the Chairman of the Joint Chiefs of Staff. Here is his view:

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.

In those cases . . . the Servicemember could be held in civil, or criminal, contempt should he or she refuse to appear or otherwise comply with the foreign court's orders.

The Secretary of State, John Kerry, wrote:

JASTA could encourage foreign courts to exercise jurisdiction over the United States or U.S. officials.

The same thing.

The Director of CIA wrote:

(JASTA) will have grave implications for the national security of the United States. The most damaging consequence would be for those US Government officials who dutifully work overseas on behalf of our country. The principle of sovereign immunity protects US officials every day, and is rooted in reciprocity. If we fail to uphold this standard for other countries, we place our own nation's officials in danger. No country has more to lose from undermining that principle than the United States—and few institutions would be at greater risk than the CIA.

Which certainly makes sense.

So here we have the Director of the CIA, the Vice President of the United States, the Chairman of the Joint Chiefs of Staff, the President of the United States, the Secretary of Defense—all want us to narrow the interpretation of this law. What does it require? Whose word more do you want?

All I am saying is that we need to narrow the law. We must make it clear that countries will not be held responsible for rogue actions of their citizens. Unless we can show that a nation knowingly assists a terrorist group, sovereign nations should not be dragged into our courts.

If we don't fix JASTA, our ability to defend ourselves will be undermined and the people we ask to go into harm's way on our behalf will be placed in jeopardy. America must pursue justice, but in the long run, JASTA will make it harder, not easier, to bring terrorists to justice and prevent terrorism in the first place.

We need to fix this law.

I ask my colleague, let's make it clear, are we asking to have this law repealed? Are we asking that people in countries that are responsible for acts of terror to be let off the hook? Are we trying to say committing acts of terror can be sponsored by any nation and we will turn the other way? That is basically the argument that is being mounted in sometimes hysterical fashion, and what we are trying to do is to ensure that a government must knowingly—maybe not even have done it themselves but knowingly. Isn't that the key, particularly coming from someone with your background as an officer trained in the Uniform Code of Military Justice and the International Rule of Law?

Mr. GRAHAM. Thank you, Senator MCCAIN. Your overview was excellent about the perils we face as a nation if we don't modify the law. I will try to give you a couple of minutes of how did we get to here. After 9/11—the most horrific attack on our homeland, maybe ever, I guess, since the Civil War—the bottom line was that we responded as a nation in many ways. The 9/11 families have a special place in American history and our hearts. They have been pursuing legal claims against those responsible for the attack.

Sovereign immunity is a concept that protects our government and every other government from doing business because if you don't have the sovereign immunity, you can't function as a government. There are waivers to that concept—a tort. If somebody in Saudi Arabia is driving a car down the streets of New York and they are working for the Embassy and consulate and they hit you, there is a process where you can sue. You can sue your own Federal Government—the Federal Tort Claims Act—if you are injured as a result of being hit by a military vehicle. Even though sovereign immunity applies, we waived that to allow citizens who have been injured tortuously to bring claims in a very controlled process.

The 9/11 families, for well over a decade now, have been pursuing nation-states like Saudi Arabia in court, trying to hold them liable for the act of terrorism of the 19 hijackers. Under our law, a tort does not include acts of international terrorism. I was very open-minded to say, certainly, that is a tort. If you are injured or killed because of an act of international terrorism, you have been harmed, and I don't mind holding somebody responsible who caused that harm.

Now you are getting into the operation of a nation-state. If you believe the Saudi Government collaborated with the 19 hijackers and they knew or should have known about the attack and assisted in the attack, not only should they be held liable in our courts as probably an act of war under international law. Unfortunately, the way we have structured this law, that requirement does exist.

Let me give you an example of how that can come back to haunt us. We are engaged in a conflict in Syria today. We are training, providing weapons, and training a lot of groups inside Syria to destroy ISIL. One of those groups is the WPG Kurds. They are literally the cousins of the PKK, a terrorist organization inside Turkey. There is friction between the Kurds and Syria and the Turkish Government, and it is beginning to bubble up.

We are knowingly providing training to Kurdish elements inside Syria for the express purpose of enlisting them in the fight against ISIL. What I don't want to have happen is that the CIA officer, the special forces soldier, anybody in our government who is working in the training, equipping process to be held liable if that training and those weapons are used to go into Turkey or some other place where we didn't intend for it to happen and didn't know about it.

As this law is written now, it is my fear the very act of helping them do one thing could make you liable for everything they do. We are trying to narrow the scope, and we are trying to make sure that whatever claim against a foreign government lies for the 9/11 attack, that we don't open the door to lawsuits, imprisonment, criminal complaints, liability by us as a nation-state for all of the activities we are doing throughout the world.

We are training people in Mosul, in Iraq today. We have been training the Iraqi Security Forces. We have been training tribal militia. The one thing I don't want to have happen is the people who provide the weapons and training—that if a Sunni group, for some reason out of our control, goes into a Shiite village and commits a genocide or the reverse or we are helping the Shiites and they go on a sectarian binge, I don't want us to be held liable unless you can prove that we knowingly engaged in the act in question; that it wasn't enough just to help the tribal leaders, Sunni tribal leaders, fight Al Qaeda; that if they do something outside of what we intended, the only way we can be liable and people working for us can be liable is if we knew about it and we are involved in it. That is what is missing.

It may be harder for the lawyers representing the 9/11 families to prove the case, but if we don't make the standard as I described, we are opening ourselves up as a nation and all of those throughout the world.

Nobody understands the world better than Senator MCCAIN. I promise you, we are providing aid and assistance to groups who are very questionable at best, but that is the world we live in. The Mideast is a complete mess. I don't want my country, our country, and those who serve under our flag to ever be hauled into a foreign court because they were doing the training and the equipping that our Nation ordered them to do, and I don't want us as a nation to be responsible for acts we did

not know about or intend to happen. Just simply helping somebody doesn't make you liable for all the things they might do down the road.

If there is evidence that the Saudi Government knowingly or should have known about the attacks of 9/11 and aided that attack, you can bring a claim. If it is any less here for the 9/11 attack, then that lesser standard would be used against us because countries, as I speak, are adopting their version of JASTA. The one thing we don't want to do is open up the international legal system to claims against America based on what we did here at home and not have thought it through very well.

I would end on this. We all voted for it because we are sympathetic to the cause and want to make sure the 9/11 families can proceed in court to hold those accountable for the horrific acts against their families. I don't think we are helping those families by passing a law that is not well thought out and putting other families at risk who are in the fight today.

This is not suing for a war that is over. The damage is done after the war. The war on terror is very much alive and well. As far as the eye can see, America is going to be involved in equipping, training, aiding, and assisting groups. I don't want our country to be held liable and the people we ask to do the training and equipping to find themselves in a foreign court unless we as a nation knew and intended the consequence in question.

If we don't change this law, we will have not served those in the fight very well. We can modify this law in a way to allow claims to go forward post-9/11. All of us agreed to a process to allow the 9/11 families to move forward. I hope all of us can agree, or at least most of us, to modify that process to make sure we don't have unintended consequences that everybody in the national security infrastructure of the United States is telling us we created.

No Member of the Senate, in wanting to help 9/11 families, I believe, wants to expose other families and those who serve this Nation to being hauled into foreign courts and being accused of a crime and being sued. We have a chance to fix it. I will tell you this. If we don't fix it, we are going to regret it because the activities we are engaged in today, I am afraid, could be a basis of action against our Nation under the law we passed.

If you did exactly what this law allows in another country and the terrorist organization was helped by the United States, even if you view them as terrorists, even though we didn't know about what they did, we could be liable, and I don't want that.

Mr. MCCAIN. May I ask my colleague one additional question?

We have heard from literally every Middle Eastern country on this issue. No threats have been made. The conversation between us and Ministers of various countries in the Middle East have been of grave concern of support

for the fundamentals of this law but also a deep concern about the ramifications my colleague from South Carolina just described.

Let's for a moment put yourself in their position. You face now the possibility of a lawsuit brought against your country because some acts of terror have taken place by citizens of your country without your knowledge or assistance. You are about to go into court in the United States of America, and you have significant assets—and you are the lawyer and I am not, but it seems to me the first thing a good lawyer is going to want to do is freeze the assets, pending the outcome of the suit that is being brought. By the way, I have received no threats in our conversations with these countries. Wouldn't anybody in their right mind say, Hey, I am not going to risk having my assets frozen there and maybe spend years in litigation in the courts.

Mr. GRAHAM. Yes. I think the foreign policy of nations and the willingness to assist us as a nation is very much up in the air if we don't somehow modify this law because if you are doing business in the United States—let's pick Saudi Arabia. The claims can be brought against the Saudi Government. If there is a judgment, those assets can be attached and they can be taken. If you are not doing business here, you don't have to worry about your assets being taken by a court.

I want to stress this. There can be a claim, but that claim has to be able to prove that the nation-state—example, Saudi Arabia—knew or should have known of the attack itself and aided the attack. If you can prove that, we not only should allow all lawsuits, we should rethink our relationship with Saudi Arabia.

Here is what the Saudis tell me. If we actually did that, I don't blame you for rethinking the relationship with us. What you say is very true, Senator MCCAIN. If this law stands in the United States—and this is an emotional time in the world. Juries render justice, but Mideastern nations are not very popular right now, for sometimes good reason. The Saudis are helping people in Yemen. They are helping people in Syria. Sometimes they are helping people differently than we are helping because they are more worried about Iran than Assad.

It is a complex world, and I think nation-states are going to be reluctant to do business in America if they come from a complex part of the world if we don't modify this law because all of their assets are subject not only to being confiscated through a court process, it would no longer be a safe place to do business.

I would stress this. The same thing could happen to us in other countries. If some groups we are helping in Syria somehow want to take on Saudi Arabia because they don't like their government, I don't want us to be sued in Saudi court and the American business assets that lie in Saudi Arabia be

seized or attached if we didn't know the people in question were actually going to attack Saudi Arabia and collaborate in that attack.

Mr. MCCAIN. I have another scenario—drone strikes. We commit drone strikes literally everywhere in the Middle East where we find there are terrorists who are capable of mounting attacks on the United States of America. They are precision strikes, but on many occasions, civilians, as collateral damage, have also been killed. Those are just facts.

What exposure are we subject to now?

Mr. GRAHAM. Mr. President, that is a really good question because the purpose of this legislation is to hold nation-states responsible for aiding terrorist organizations. The YPG Kurds, in the eyes of Turkey, could be a terrorist group. Al Qaeda is certainly considered a terrorist group in the eyes of everybody. We are now chasing terrorists all over the world. We are receiving information from one organization, taking that information, militarizing it, using it in a lethal fashion, and hitting people we don't intend to hit.

Here is what would solve this problem. For a liability to exist on any nation-state, including the United States, the only time you can be sued is if you intended and knowingly engaged in the activity, partnering with a terrorist group or separately, with the knowledge that you meant for this to happen. If we don't have that knowing requirement, we are going to open ourselves up to a lot of heartache throughout the world.

Mr. MCCAIN. Mr. President, isn't it logical to say that you shouldn't hold a government of a country liable if something happened by attack from their country or by one of their citizens that we didn't know about? I mean, this is why I am confused as to why that just doesn't have a logical aspect to it. We don't want to hold people who are not guilty liable for damages.

Mr. GRAHAM. Mr. President, this is a really good question. One of the concepts we want to introduce into the new modification is discretionary decisions by nation-states. The original bill said you couldn't sue based on a discretionary decision—a planning activity, a strategic decision. Apparently, there is some evidence that lower-level Saudi officials or people in Saudi Arabia provided some money, helped people get passports, helped people do this, helped people do that. We don't want to be held liable if we have a rogue employee in a consulate somewhere. It has to be that the nation-state at the highest level of government—to be liable for the torturous act—knew or should have known. If we don't want to be guilty by association, you don't want to be held liable as an entire nation-state because you have one part of the government doing a function that was not approved by the government as a whole.

All I can say is we are making strategic decisions today. I don't know how

much money we have given to the Kurds and other allies in Syria fighting ISIL, but I can tell you some of these groups in the eyes of other people in the region are terrorists, and they have an agenda outside of fighting ISIL. I don't want to be liable because we helped them in the cause of fighting ISIL if they go and do something else to harm somebody else, some other nation, unless we knew about it, because it will stop our ability to have partners. Unfortunately, in the war on terror, you are not going to win the war if you don't make alliances, and sometimes these alliances are with pretty unsavory people.

Saudi Arabia is in the same position we are. If you open the floodgates and the United States is liable because of the activity that occurred, people from your country are involved, but you don't have the requirement of saying you knew about it and you wanted it to happen. Then we are opening ourselves up to a liability all over the globe because, unlike Saudi Arabia, we are all over the place. We are everywhere—in the Philippines. I can't think of a region in the world where there are not American operatives, intelligence officials, or military officials who are not somehow joined in the fight against different forms of terrorism, and all I am asking is that we modify this law. You can bring a claim against anybody you think caused 9/11, including a country like Saudi Arabia, but you have to prove that the government knew about it, should have known about it, and aided in the actual act. That is not in the law, and if we don't put that in the law, it will bite us all, and everybody fighting this war is trying to tell us we have gone too far.

Next year Senator McCAIN, Senator GRAHAM, and hopefully others, will make it a top priority to modify this law so we can conduct foreign policy as a nation and not put our warfighters at risk and those we rely upon to win this war, because we are not helping the 9/11 families by putting people at risk for no good reason who are out there all over the world trying to protect us. That is exactly what we have done if we don't modify this law.

Mr. McCAIN. Mr. President, this is not the opinion of the Senator from South Carolina and myself. This is the opinion of the President of the United States. This is the opinion of the Secretary of Defense. This is the opinion of the Secretary of State. This is the opinion of the Director of the Central Intelligence Agency. This is the opinion of the Chairman of the Joint Chiefs of Staff.

I have had a lot of support in my time on various issues. I cannot remember a time in the last 30 years where literally every leader in government has come out in the strongest possible fashion not to do away with JASTA but to fix it so the United States of America itself is not put in jeopardy as other nations adopt this same law.

Mr. President, I ask unanimous consent that the letters from the President of the United States, the Secretary of State of the United States, the Chairman of the Joint Chiefs of Staff, and the Secretary of Defense be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington.

Hon. HARRY REID,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: Thank you for speaking with me about the Justice Against Sponsors of Terrorism Act, or JASTA. As I noted in my message vetoing the bill and reiterated on our call yesterday, I strongly believe that enacting JASTA into law would be detrimental to U.S. national interests.

I am firmly committed to assisting the families of the victims of the terrorist attacks of September 11, 2001 (9/11) in their pursuit of justice. Over the last eight years, my Administration has continued and expanded upon the U.S. Government's unprecedented response to the 9/11 attacks. We have relentlessly pursued al-Qa'ida, killed Osama bin Laden, supported and signed legislation that provides treatment for first responders and other survivors, and declassified additional information on the attacks so the families of 9/11 victims can better understand the information investigators gathered following that dark day.

Enacting JASTA into law, however, would neither protect Americans from terrorist attacks nor improve the effectiveness of our response to such attacks. Doing so would instead threaten to erode sovereign immunity principles that protect the United States, including our U.S. Armed Forces and other officials, overseas. This is why I vetoed the bill and why I believe you should vote to sustain that veto.

In general, JASTA would allow lawsuits in U.S. Federal Courts against foreign countries 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. We already have ways of addressing state-sponsored terrorism. In fact, under existing law, lawsuits may be brought for actions taken abroad that contribute to acts of terrorism only against countries that have been designated as state sponsors of terrorism. Under JASTA, this very limited class of potential foreign state defendants would be expanded to encompass every country in the world. JASTA therefore threatens to upset immunity protections that benefit the United States more than any other Nation.

The consequences of JASTA could be devastating to the Department of Defense and its Service members—and there is no doubt that the consequences could be equally significant for our foreign affairs and intelligence communities, as well as others who work in furtherance of U.S. national security. The United States relies on principles of immunity to prevent foreign litigants and foreign courts from second-guessing our counterterrorism operations and other actions that we take every day. Other countries could attempt to use JASTA, however, to justify the creation of similar exceptions to immunity targeted against U.S. policies and activities that they oppose. As a result our Nation and its Armed Forces, State Department, intelligence officials, and others may find themselves subject to lawsuits in foreign courts—for example, Service mem-

bers stationed here and overseas, including those supporting our counterterrorism efforts, would be vulnerable to accusations that their activities contributed to acts that allegedly violated foreign laws. Without immunity, we could be forced to defend ourselves in foreign courts regardless of whether the United States or its officials had in fact provided support for terrorist acts or committed acts in violation of foreign laws. Such lawsuits could subject the United States and its officials to intrusive and time-consuming discovery, including demands from foreign litigants and courts for sensitive U.S. Government information or intelligence. Such lawsuits could also lead to sizeable money damages and efforts to attach U.S. Government property to satisfy those judgments—efforts to which we would be particularly vulnerable given our substantial worldwide presence. And foreign states could create exceptions to sovereign immunity that do not directly mirror those created by JASTA, which would exacerbate these risks.

The JASTA also threatens to expose even our closest allies and partners to litigation in U.S. courts. JASTA would go well beyond 9/11 or the Kingdom of Saudi Arabia, and a number of our allies and partners have expressed serious concerns about the bill. I am concerned that the enactment of JASTA would risk eroding the cooperation we must have from partners and allies to defend the Nation. And as I noted in my veto message, JASTA threatens to take decisions concerning potential foreign state involvement in terrorist attacks out of the hands of national security and foreign policy professionals and to place such decisions instead in the hands of private litigants and courts. This is neither a coordinated nor an effective way to respond to such concerns.

To be clear, my opposition to JASTA is based primarily on its potential impact on the United States. Sovereign immunity principles do protect all Nations. But the United States has a larger international presence, by far, than any other country—we are active in a lot more places than any other country, including Saudi Arabia. This means we benefit more from the principles that JASTA threatens to erode than any other country and have more to lose if those principles are eroded than any other country.

THE SECRETARY OF STATE,
Washington, April 15, 2016.

Hon. LINDSEY O. GRAHAM,
Chairman, Subcommittee on State, Foreign Operations, and Related Programs, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express the Department of State's concerns regarding S. 2040, the Justice Against Sponsors of Terrorism Act (JASTA).

We deeply sympathize with all victims of terrorism and appreciate the motivation behind this legislation. The U.S. government condemns all acts of terrorism, and the Department has long supported efforts of U.S. terrorism victims to pursue compensation while also leading international efforts to combat terrorism and prevent more attacks and more victims.

However, as it presently stands, JASTA would strip sovereign immunity protections from all nations (not just designated state sponsors of terrorism as under current law) for a wide range of actions taken outside the United States that lead to injury or loss in the United States, including but not limited to acts associated with terrorism. This broad expansion of the Foreign Sovereign Immunity Act's jurisdictional provisions will be of deep concern to many foreign governments with potentially grave repercussions for U.S. national security interests. The United

States benefits significantly from the protection afforded by foreign sovereign immunity given its extensive diplomatic, security, and assistance operations around the world. JASTA could encourage foreign courts to exercise jurisdiction over the United States or U.S. officials—including members of our military and intelligence community—for actions taken here which may cause injury outside our borders. JASTA could also expose U.S. allies and partners to litigation in U.S. courts that will raise significant foreign policy sensitivities and could limit their cooperation on key national security issues, including counterterrorism initiatives. It could also generate concerns about the security of foreign state assets in the U.S. financial system.

I ask you to consider the unintended consequences of passing this legislation in its current form. We remain prepared to work with Congress on appropriate changes that would mitigate the harmful impacts on U.S. foreign policy and national security.

Thank you for your leadership on so many critical national security issues.

Sincerely,

JOHN F. KERRY.

DEPARTMENT OF DEFENSE, CHAIRMAN OF THE JOINT CHIEFS OF STAFF,

Washington, DC, 7 December 2016.

Hon. JOHN MCCAIN, *Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for the opportunity to offer advice on congressional efforts to mitigate concerns I expressed regarding legislation that may expose U.S. Service members to the jurisdiction of foreign courts.

On 27 September 2016, I forwarded concerns regarding the potential second- and third-order consequences of legislation that erode the long-standing principle of sovereign immunity. These were:

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.

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 he or she refuse to appear or otherwise comply with the foreign court's orders.

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.

While any attempt to alleviate the above risks is commendable, increasing the burden of proof required to prevail in a civil matter would not alleviate the above concerns as victims may still file suit against a foreign state. If a foreign government enacted reciprocal legislation, suits could be brought against the United States and may implicate U.S. Service members. While at the end of a trial such a suit may not prevail if the victim is not able to meet a heightened standard of proof—a heightened standard may not stop a suit from being filed. In such a situation, Service members may be subpoenaed to appear in court and prevented from departing the country.

My concerns would only be hilly alleviated by legislation that restores the principle of sovereign immunity and protects U.S. Service members from reciprocal legislation that

may subject them to the jurisdiction of a foreign court.

Sincerely,

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

STATEMENT SECRETARY OF DEFENSE ASH CARTER, DECEMBER 7, 2016.

I appreciate the opportunity to provide views on the potentially harmful consequences that the Justice Against Sponsors of Terrorism Act (JASTA) may have on the United States, the Department of Defense, and Service members.

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

In general terms, JASTA allows 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 longstanding principles of sovereign immunity. Under the law that existed before JASTA was enacted, similar lawsuits were available for actions only against designated state sponsors of terrorism. JASTA has extended 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.

We have concerns that JASTA may cause foreign governments to enact legislation to create exceptions to immunity for conduct by the United States and its personnel. Such legislation may not directly mirror, and may be more expansive than, the exceptions 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 to 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.

The implications of JASTA are severe. I will highlight a few of them.

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. For example, our service members might be required to testify about or provide documents on operations that they are obligated under U.S. law not to disclose, exposing them to punishment for contempt by the foreign court, including imprisonment.

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 significant 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 a foreign state under JASTA in U.S. courts or against the United States or U.S. personnel in a foreign court. This could include classified intelligence data and analysis, as well as sensitive operational information.

Furthermore, if the United States or U.S. personnel 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 revealing classified or otherwise sensitive information or suffering adverse rulings and potentially large damage awards for our refusal to do so, and could even result in the imprisonment of U.S. personnel for refusing an order of a foreign court to disclose such classified or sensitive information.

Finally, foreign lawsuits will divert resources from mission crucial tasks; they could subject our servicemembers 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.

Mr. MCCAIN. Mr. President, I urge my colleagues to pay attention to the most respected individuals in this country and pay attention to why they object, not to the entire bill but to the provisions that would, as Director Brennan said, cause the most damaging consequences for those U.S. Government officials who dutifully work overseas on behalf of our country.

The Director of the CIA said that the principle of sovereign immunity protects U.S. officials every day and is rooted in reciprocity. If we fail to uphold the standard for other countries, we place our own Nation's officials in danger. No country has more to lose from undermining that principle than the United States. Mr. Brennan adds that few institutions would be at greater risk than the CIA.

I urge my colleagues not to abolish JASTA, but let's fix it because the people we respect and admire the most and to whom we give the responsibilities to defend this Nation have unanimously agreed that we need this fixed.

I say to the President: I fear the profound consequences that may arise if we, with the best of intentions, do great, great damage to this Nation and its security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I thank my colleagues for their thoughtful and informed analysis of an important national security issue.

I ask unanimous consent to speak briefly, and I thank my colleague from Delaware for allowing me to do so.

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

REMEMBERING JOHN GLENN

Mr. PORTMAN. Mr. President, I rise today on a sad occasion, and that is to talk about the loss of an American icon. He is a fellow Ohioan. He held this seat in the Senate. He is one of our true heroes, as an astronaut, fighter pilot, successful business person, Senator, and later someone who helped young people throughout the State of Ohio by establishing his own school at Ohio State University. I am talking about John Glenn. We lost him today at age 95.

I was watching some of the coverage on television about his career, and it focused a lot on his being the first to orbit the Earth on *Friendship 7*, a capsule you can see at the Air and Space Museum. It is not much bigger than two of these desks put together, but somehow he wedged himself in and did something heroic and important at the time. In a spaceflight competition with the Soviets, he was one who succeeded.

What I didn't hear too much about was his career before being a famous astronaut and that amazing flight that ended up with him addressing a joint session of Congress or what he did after that amazing feat. So I want to talk about that for a second and say that I appreciate that tomorrow my colleagues will help me in joining to pay tribute to him through a Senate resolution.

But prior to his being a famous astronaut, he was a famous American hero in my mind because he was a fighter pilot who signed up after Pearl Harbor, the 75th anniversary of which we celebrated this week. He flew 59 missions as a fighter pilot in World War II. He later flew about 90 missions in Korea. He was highly decorated as a fighter pilot. He then was a test pilot, and actually he broke the transcontinental flight time record as a test pilot. Then he decided to join the astronaut corps. He was part of that group of friendship astronauts who became famous later as being called "The Right Stuff." He was the right stuff.

He then had a successful career in business. He decided he loved public service, and he wanted to be in the Senate. He won election to the Senate and was actually reelected with historic numbers in my home State of Ohio. I got to serve with him during part of his time here. I was in the House; he was in the Senate. We worked on projects together.

He was on the same committee my colleague from Delaware was on, and both of them have chaired it, the Governmental Affairs Committee. He loved good government. One of his big issues was stopping unfunded Federal mandates. I was the House sponsor on the Republican side; he was the Democratic sponsor here. We ended up in the Rose Garden together for a ceremony.

He was tenacious. This was, by the way, an issue that not all Democrats agreed with him on; yet he did what he felt was right in the name of good government.

We also worked on other projects together, and I always found that his focus was on his State, the people he represented, and how to make their lives better.

After his Senate career, he started a new project. It was called the Glenn School of Public Affairs at the Ohio State University. I had the honor of teaching there for a few years before running for the Senate. I was a co-teacher for four different courses and got to know John Glenn in an entirely different way. He asked me to join their advisory board, which I did join. I am still on the advisory board for now the Glenn College. Last year we elevated the school to a college. This was John Glenn's greatest single accomplishment in the latter years of his life—creating an institution where young people can go and be inspired to go into public service and given the tools to be able to succeed. He loved that school. He loved those students. He chaired a board meeting only last month. He did it with humor, as he always did, and passion.

One of his big issues he talked about last month was how he wanted to have a leadership institute to ensure that more young people could understand the importance of government service, which he felt was a noble undertaking—military service, government service, service for your country, service greater than yourself. We lost an American icon.

He was also a man who loved his family. His wife, Annie Glenn—many of us here in this Chamber know her, and we love her because she is an amazing woman in her own right. For 73 years, they were married. They knew each other as little kids. They virtually grew up from the crib until now together. Annie Glenn was at his side constantly. That relationship, their partnership, is an example for my wife Jane and me and for all of us here in this Chamber.

Earlier this year, my staff and I had a retreat in Ohio. We brought all of our DC staff and Ohio staff together to talk about how to better serve our constituents, how to define the mission. I asked John Glenn to come address that group. What a treat. Our staff had the opportunity to sit and talk to John Glenn about his career, but more importantly, to talk about his passion for public service. The mission he gave us was one of honor and respect and decency for our constituents and to serve the people. That was his life.

John Glenn's life story touches our hearts today, and his life story is also part of American history.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Delaware.

Mr. CARPER. Mr. President, I just want to thank our colleague from Ohio

for recalling the memory, the life of John Glenn and his wife Annie. I was privileged to know him. I am an Ohio State graduate, Navy ROTC. I am a retired Navy captain and a huge admirer of John Glenn and his bride.

One of my fondest memories of them was at an Ohio State football game a few years ago. As the Senator from Ohio knows, one of the big attractions at an Ohio State football game at halftime is to script "Ohio," where the band spells out the word "Ohio." Usually one of the tuba players kind of dances around for a while and then dots the "i." So fans are used to that happening. On this particular occasion, no tuba player came forward to dot the "i," but John Glenn and Annie went onto the field and dotted the "i," to the amazement and delight of 100-and-some-thousand fans. Later on, they came up. I was up in the President's box with President Gordon Gee. I am not sure; maybe my friend from Ohio was there as well. But what a joyous memory that was.

He ran for President briefly too. I was pleased to support him. He didn't stay in the race for long. I thought he was a great marine, great pilot, great astronaut, great Senator, and would have been a great leader for our country.

The last thing I will say is this. Who is it that said this? Maybe—Alan Simpson, former Senator from Wyoming. He used to say this about integrity: If you have it, nothing else matters. If you don't have it, nothing else matters.

When you look up the word "integrity" in the dictionary—and "courage" as well—you see John Glenn's picture.

Thank you for your kind and wonderful words about John Glenn and Annie. Thanks for letting me say a few words as well.

TRIBUTE TO FEDERAL EMPLOYEES

Mr. President, I have been coming to the floor, as the Senator from Ohio knows, for months—a couple of years, actually. I come maybe once a month. The Presiding Officer and I serve together, along with Senator PORTMAN, on a committee called Homeland Security and Governmental Affairs. Part of our job is to do oversight over the Department of Homeland Security.

I started doing something a couple of years ago. Instead of coming to the floor to talk about some controversy or things we disagree on with our colleagues across the aisle, I came to the floor for a different purpose. I came to the floor in order to say thank you to some of the 240,000-some men and women who are part of the Department of Homeland Security, who work hard to help secure our country and make it safer in many ways.

Over the last 4 years, I have been privileged to serve with our Presiding Officer and a number of others—Senator PORTMAN and others—as the senior Democrat on the Homeland Security and Governmental Affairs Committee, first as chairman for a couple of years with Tom Coburn from Oklahoma as our ranking member and for

the last 2 years as ranking member of the committee while RON JOHNSON has been our chairman.

I am incredibly proud of the fact that our committee is filled with hard-working men and women, Democrats and Republicans, who work across the aisle and party lines to bolster our national security and to help agencies and programs across government work better. We follow what I call the three C's: Communicate. Compromise. Collaborate.

Those are things we do in Delaware, and on our committee I am happy to report that the three C's hold forth as well.

Serving as the senior Democrat on our committee has truly been one of the great honors of my 16 years in the Senate. During my time as chairman and ranking member, I have had literally thousands of Department of Homeland Security employees—I have seen firsthand the exceptional work they do 240 hours a day—it probably feels that way—24 hours a day, 7 days a week across our country and even around the world. I am pictured here with some of them. They do extraordinary things that some of us don't even know about.

What we do is every week we come to the floor, and one of the best things you can do when people do great work is thank them. That is what I like to do. Since my first speech on this front a couple of years ago, I have come to the floor almost every month the Senate has been in session just to say thanks to a lot of deserving individuals, to teams, even entire agencies at the Department of Homeland Security that are doing extraordinary work quietly, behind the scenes, without a lot of attention, to enable the Department to carry out its vital missions—actually its many vital missions.

To everyone who has allowed me to share their stories with our colleagues here in Congress and the American people, thank you so much. To all of those folks at DHS who I have not had an opportunity to talk about or any agency I have missed, I want you to know that the work you do every day makes a real difference and is truly appreciated. While some of your accomplishments are hard to measure, they are nonetheless important. They are reflected in lives saved, tragedies prevented, and a sense of security that Americans feel as they go about their day.

Across the Department of Homeland Security, there is so much good work going on each and every day that if I stood here every day for the next 2 years, I would have no shortage of remarkable public servants to highlight.

As some of you may recall, the Department of Homeland Security employs over 240,000 Americans doing everything from securing our cyber network from cyber attacks, to guarding our ports of entry, to helping communities recover from natural disasters. Their mission is one of the most diverse and challenging, I think, of any

agency, any department in the Federal Government. The diversity of the employees I have highlighted these past many months is the best illustration of the challenges facing the Department of Homeland Security every day and facing our country every day.

Last month, I highlighted a U.S. Secret Service officer named Codie Hughes, who patrols the White House grounds as a uniformed Secret Service officer, and also Special Agent Tate Jarro, who protects Americans from cyber criminals and financial schemes that are designed to cheat those Americans out of their hard-earned dollars.

In January, I highlighted a fellow named Milo Booth who serves as the Federal Emergency Management Agency's tribal affairs officer, ensuring our Native American communities are prepared for natural disasters too.

In September, I thanked Tito Hernandez, who travels around this country—and he does that about 9 months out of the year—in the aftermath of natural disasters to coordinate the support of State and local officials as they work through some of the most trying situations.

Last year, last July, I spoke of the Department of Homeland Security Science and Technology Directorate and the state-of-the-art research work being done by Dr. Michelle Colby and Jon McEntee, who are researching how to protect us against, among other things, emerging diseases, such as avian flu and foot-and-mouth disease, while helping the Department develop the technologies of tomorrow.

This past July, I thanked LCDR Tiana Garrett and Ingrid Hope with the Office of Health Affairs for their work to prepare our border agents, doctors, medical professionals, and first responders for the emerging threats posed by the Zika virus.

From the Domestic Nuclear Detection Office, which tracks radiological materials across our country, to the National Cybersecurity & Communications Integration Center, which monitors cyber security attacks and coordinates Federal cyber security efforts with the private sector, the Department of Homeland Security is truly remarkable in its ability to work together as one cohesive unit to achieve its common mission.

While it has not always been easy, the Department of Homeland Security has matured by leaps and bounds in order to become more than the sum of its parts in the 14 years since its creation. The Department remains the youngest Cabinet-level agency in the Federal Government. It is also the third largest agency in our Federal Government, behind only the Department of Defense and the Department of Veterans Affairs. It was created by bringing together more than 22 different Federal agencies. Let me say that again—22 agencies sort of glommed together a dozen or so years ago into one big Department, DHS.

The sheer scope of the extraordinary challenge DHS and its employees face

means that leadership across the Department is vital to the success of that organization, as it is to any other organization but especially one this large and unwieldy. I have always said that the key to success for any organization, no matter what size, is leadership. Just like integrity—if you have it, nothing else matters; if you don't have it, nothing else matters.

SECRETARY JEH JOHNSON

Thankfully, the Department of Homeland Security has been blessed with enlightened, committed leaders since its creation. I, for one, cannot begin to say enough about the leadership shown these past 3 years by DHS Secretary Jeh Johnson, pictured here on my left.

Soon after being sworn in, Secretary Johnston immediately made clear that his highest priority would be management reform—he called it the Unity of Effort Initiative—intended to promote the coordination and cohesion throughout the Department. He also focused on employee engagement and the Department's hiring practices. He wanted to make sure that the good work at the Department was not going unnoticed.

Through his steady leadership, DHS has begun to slowly but surely turn—kind of like an aircraft carrier in the Navy—improving morale by 3 percent across the Department in the last year alone—the first increase in the Department I think in some 6 years. We are happy to see them bottom out and the improvement of the morale—the Department is heading in the right direction again. Jeh Johnson and his team deserve a lot of credit for that. I think, frankly, so does our committee, the Homeland Security Committee, and the good work we have done to try to make sure there is a good leadership team in place at DHS and that we convey clearly our gratitude to those men and women who work there—240,000 of them.

Being a change agent in the Federal Government can oftentimes be difficult, but I am confident that Secretary Johnson's dedication and his perseverance will make a lasting impact on the agency's greatest assets—its dedicated employees.

To Secretary Johnson, to his family, to his bride, I just want to say thank you for your extraordinary service. Every American is safer thanks to your leadership and your tireless efforts. Thank you, Jeh.

ALEJANDRO MAYORKAS

Until recently, Secretary Johnson's right-hand man was a fellow named Alejandro Mayorkas, a native of Cuba who came here a long time ago with his family, on the run, if you will. I like to call him Ali; so do most other people.

Ali recently stepped down as Deputy Secretary of the Department of Homeland Security—that is the No. 2 slot there—but for 7 years, including one-third or so as the No. 2 person, Ali was working tirelessly to improve the security of our Nation and improve the operations of the Department before he

became Deputy Secretary. In that role, he was instrumental in strengthening the Department's cyber security policies, as well as developing critical immigration programs that cut down on fraud and helped promote economic growth.

Ali was a dedicated and thoughtful leader. His impact on the Department will continue to be felt for years to come in streamlined DHS operations that allow employees to spend less time on paperwork and more time on protecting Americans.

RUSS DEYO

When Ali left the Department a month or two ago to return to the practice of law, the Department's Under Secretary for Management, a fellow named Russ Deyo—rhymes with Rio—stepped in to fill his shoes.

As Under Secretary for Management, Russ has proved to be an effective leader also. With a strong but quiet demeanor, he is not afraid to make tough decisions.

Russ has been responsible for overseeing the Department's efforts to get the Department off of GAO's high-risk list. What is that? Well, the high-risk list is something the GAO puts out every other year. It is a high-risk list of wasting taxpayer money.

DHS, as well as a lot of other agencies, has been on it for quite a while. Russ has made very clear, with the support of Jeh Johnson and Ali Mayorkas, that they want to get off of that list the best they can. I think one of the greatest accomplishments may have been overseeing the creation of employee satisfaction programs in each and every component. I think they also got a clean audit. I think the Department of Defense, which has been around since the late 1940s, has never gotten a clean financial audit. I think for each of the last 4 years, the Department of Homeland Security has set a great example. It has gotten a clean financial audit.

I wish to say if you can't manage your finances, how do you expect to manage your whole department? That is just one aspect of the improvements being made.

With this information, Secretary Johnson and his leadership team across the Department can ask every single DHS employee: How are we doing? How can we help? What can we do better?

CRAIG FUGATE

Another DHS leader whom we all admire for his leadership and steady hand during some of those challenging times is the Administrator of FEMA, the Federal Emergency Management Agency. His name is Craig Fugate and he hails from Florida.

For the last 8 years, Administrator Fugate has admirably led Federal responses and efforts through numerous disasters, including Superstorm Sandy, which landed a direct hit on the east coast, including a hit to my own State of Delaware. Throughout his tenure, Craig has used his whole community approach to strengthen our national

resiliency and help millions get back on their feet after a disaster. I know I speak for countless Americans when I say: Craig, thank you for your dedication to the mission of FEMA, for your years of leadership to our country, and the leadership you provided for a very good team across America.

PETER NEFFENGER

At the Transportation Security Administration, affectionately called TSA, retired Coast Guard VADM Peter Neffenger has helped his agency respond quickly and effectively to a historic surge in airline travel and navigate some of the busiest travel days in American history. Last month, over the course of just 7 days, TSA helped 16.5 million Americans travel safely to visit family and friends over the Thanksgiving holiday. His continued efforts to innovate while ensuring uniform training for all TSA officers—we call them TSOs—have streamlined security screening at our airports and ports of entry without compromising passenger security. The millions of Americans who travel through our airports each week are measurably safer, thanks to Vice Admiral Neffenger's service and that of the men and women he leads.

I just wish to say about the folks at TSA that whenever I go through airport security, I always thank them. I tell them who I am, tell them who the Senator is—the junior Senator from Nebraska—and tell them how much we appreciate the work they do. When you see people doing a good job, when you are going through an airport, just take a minute and thank these folks. Thank these men and women. It goes a long way. They have had a very tough job because over the course of Thanksgiving weekend, they had 16.5 million people trying to get through security—actually, get to the airport, get their families packed up, in their vehicles, cab, Uber, or a transit bus, and try to get to the airport, get a place to park, get through security, get on a plane—make their plane.

For the folks at TSA, their job is to make sure that nobody with malintent gets through security. You have all these people trying to get through as fast as they can, get on their plane, and get going. Then you have folks at TSA who are trying to make sure that nothing tragic happens in the meantime. That is a tough job. It is a tough job, and I urge you to give them a little bit of love and thank them for what they are doing from time to time.

Every time I speak on the floor about TSA, I encourage people to say thank you, and I have just done it one more time.

Our Nation is truly fortunate to have the Department of Homeland Security we have today. The few men I mentioned just now are the tip of the iceberg when it comes to truly great public servants at the helm of DHS. There are many more. A number of them are charged with organizations that work behind the scenes, quietly accom-

plishing their missions so that the rest of us can go about our lives uninterrupted every day.

SUZANNE SPALDING AND PHYLLIS SCHNECK

At something called the National Protection and Programs Directorate, Under Secretary Suzanne Spalding works with her great team to protect our Nation from ever-evolving cyber attacks. Her diligent team includes her deputy at the Directorate, Deputy Under Secretary Phyllis Schneck. I kid her. She is from Georgia Tech. I call her "Ramblin Wreck"—Phyllis Schneck, the Ramblin Wreck from Georgia Tech. She is a dynamo. She left the private sector where she was making a lot of money to come to serve her country and help lead the cyber security efforts of the Department of Homeland Security.

JOSEPH CLANCY

Also over at the Secret Service, we have a Director named Joe Clancy, who leads an organization of men and women who performed flawlessly as the agency has protected dozens of officials during the recent election season.

KATHY BRINSFIELD

Over in the Office of Health Affairs, Chief Medical Officer Kathy Brinsfield leads some of the best and brightest scientists in the world in their cutting research into emerging diseases.

REGGIE BROTHERS

At the Science and Technology Directorate, Reggie Brothers has led efforts across the Department to make smart investments in research and development for DHS and their State and local partners.

To all of you and to your agencies, again, a big thank you. These are just a few of the incredible leaders at the Department of Homeland Security, just a few.

SARAH SALDANA, GIL KERLIKOWSKA, LEON RODRIGUEZ, ADMIRAL PAUL ZUKUNFT

There are so many more who deserve our thanks for steady leadership, leaders such as Sarah Saldana, who leads Immigration and Customs Enforcement, known as ICE.

Gil Kerlikowski at Customs and Border Protection is a terrific leader.

Leon Rodriguez—I call him "Leon Red Bone"—is director of U.S. Citizenship and Immigration Services.

We have the commandant of the U.S. Coast Guard, ADM Paul Zukunft, whom everyone understandably simply calls "Admiral Z."

We say a very big thank you to all of you for your service and the hard work of those across your agencies. A retired Navy captain salutes the Coast Guard.

After 4 years as the lead Democrat on the Homeland Security and Governmental Affairs Committee, having met thousands of DHS employees, I believe our country is in many more ways more secure today than it was yesterday. However, given the evolving nature of the threats we face, this is not the time to spike the football; this is not the time to become complacent. We need to remain vigilant, continue

to work smarter, and continue to work harder.

With that thought in mind, I close by expressing the gratitude of all Americans to the Presiding Officer and to everyone at the Department of Homeland Security. I wish you and your families a very merry Christmas and a joyous holiday, as well as a more peaceful New Year for all of us. Keep up the good work. We are proud of you. Stay safe. God bless you all.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. ROUNDS. Mr. President, my friend the Senator from Delaware has spoken very eloquently about the need to say thank you to our Members who work within TSA. I wish to speak in terms of members of the Armed Forces and to remind the people of America that we are free and we will be able to enjoy a very precious holiday season coming up because the men and women who wear that uniform are on the frontlines. It is their families who are making that sacrifice as they are away from home. We should keep all of them in our prayers and remember to say thank you to their families for the sacrifices they have made. Thank you to the men and women on the frontlines who keep us safe.

With that, as a member of the Senate Armed Services Committee, I am pleased that we came together once again to pass the National Defense Authorization Act, a vital piece of legislation. It is a testament to the leadership of the chairmen and ranking members in the House and Senate that Members on both sides of the aisle have continued to work together to pass the NDAA again this year, and I thank them for their leadership.

It is important to continue this 55-year-plus tradition of passing the NDAA to show our troops and their families that they have our full support. As in years past, this year's NDAA includes policies to support our wounded warriors, our troops, and their families. It also provides our military with the tools needed to combat our enemies around the globe.

However, it is also the most significant defense reform legislation in decades. An example is its significant provisions to reform how the Department of Defense acquires new weapons.

Given that the No. 1 responsibility of the Federal Government is the defense of our Nation to keep Americans safe, it is reassuring that Congress has continued to pass the NDAA every year for over half a century.

To many Americans and even Members of Congress, the most visible manifestation of our NDAA is our combat vehicles, ships, and combat aircraft that have, with our outstanding serv-

icemenbers, made our Armed Forces second to none. Less visible are things such as training, maintenance, and adequate munitions, without which success on the battlefield would be in doubt.

I am pleased that this year's NDAA adequately authorizes funds for the DOD's operations and maintenance account, which provides the dollars for these vital but less visible functions.

The NDAA also stops the Department of Defense's proposed drawdown of an additional 15,000 soldiers, 2,000 marines, and approximately 4,000 airmen for fiscal year 2017.

Additionally, it addresses munitions shortfalls and provides funds for depot maintenance and facilities sustainment.

Importantly, it does not require women to register for the Selective Service and does not contain TRICARE prescription drug co-pay increases, both of which have been of concern to me and many other South Dakotans.

I am pleased it includes a number of provisions which I offered to address the serious cyber threat our Nation faces. One of those requires the President to define when an act in cyber space requires a military response. Another requires training for DOD hiring officials on how to use the special authorities Congress gave them to expedite the hiring of cyber security professionals and pay these civilian employees more than what is normally authorized for civil service.

I am also pleased that the conference report includes my mental health measure requiring the Department of Defense to more carefully monitor prescriptions dispensed at military treatment facilities for the treatment of PTSD.

I join my colleagues in urging the President to continue the decades-long tradition of signing the NDAA into law. While we champion this year's bill, the most significant defense reform legislation in decades, we must extend our view beyond fiscal year 2017.

For the past 2 years, I have served as a member of the Senate Armed Services Committee, bearing witness to potential challenges that could threaten our national security if we do not address them now, including arbitrary budget caps. These arbitrary budget caps have forced the kinds of false choices that are potentially so devastating for our Armed Forces. In particular, we must avoid the false choice of paying for readiness while assuming risk for modernization or vice versa.

The American people expect us to adequately defend America next year and for every year to come. Job one in that regard is to remove the arbitrary budget caps and the threat of sequestration. Only by doing so can Congress fulfill its No. 1 responsibility—keeping Americans safe.

In closing, I thank Chairman MCCAIN, Ranking Member REED, my Armed Services Committee colleagues, and all of our staffs for the great legis-

lation we had the honor to vote for today.

I yield the floor.

Mr. MCCAIN. Mr. President, I would like to associate myself with the objections raised by my colleague from Arizona, Senator JEFF FLAKE, concerning the 2016 Water Resources Development Act, WRDA, conference agreement.

I must express my dissatisfaction with the WRDA conference agreement. While I applaud the hard work by the conferees to advance a number of worthwhile flood control projects—some of which are located in my home State of Arizona—my objection centers around the inclusion of a massive drought relief package for California at the expense of drought priorities for Arizona.

For the past 2 years, Senator FLAKE and I have been negotiating with the committees of jurisdiction and certain offices of the California delegation to ensure that any drought legislation that comes to the Senate floor would be applicable to all Western States. We won provisions in the Senate-passed WRDA bill and the energy bill to expedite salt cedar removal and increase storage capacity for reservoirs across the West. Unfortunately, our WRDA provisions have been stripped by the conferees.

I cannot support a drought package that is overly California-centric while my home State and other Western States are also suffering under an oppressive 16-year drought.

MORNING BUSINESS

RECENT DEVELOPMENTS IN EGYPT

Mr. LEAHY. Mr. President, I have visited Egypt many times, and I have voted for billions of dollars in U.S. assistance for Egypt to support economic and security programs in that country. I have recognized positive developments in Egypt when they occur, such as the recent decision by the government to undertake economic reforms, including by reducing some subsidies.

I also recognize the security challenges Egypt faces from instability and violence in Libya and in the Sinai. The U.S. has an interest in helping Egypt confront these challenges by addressing the underlying causes in a manner that is consistent with international law.

Today I want to speak briefly about the Egyptian Parliament's recent passage of a restrictive new law on non-governmental organizations, NGOs, that would effectively cripple Egypt's civil society for years to come. Rather than sign this legislation, I hope President Sisi calls for a new version to be drafted in cooperation with independent NGOs. If President Sisi does sign this law, it will be yet another step in the wrong direction by a government that professes to be making progress on civil and human rights when the facts indicate otherwise.