

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

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

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

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

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

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

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

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

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

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

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

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

“(d) LIABILITY.—

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

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

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

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

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

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

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

(c) STAY.—

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

(2) DURATION.—

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

(B) EXTENSION.—

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

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

**SEC. 6. SEVERABILITY.**

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

**SEC. 7. EFFECTIVE DATE.**

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

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

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

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

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

The PRESIDING OFFICER. Is there further debate?

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

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

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

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

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

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

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

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

this fund would wreak havoc on our efforts to reduce chronic disease rates, immunize our children, address infectious disease outbreaks and, ironically, lower health care costs.

There is a saying I have heard numerous times on the floor of the Senate and at other public forums: An ounce of prevention is worth a pound of cure. That lesson has been brought home by our experience with Ebola as well as with other public health threats. It is equally true of Zika. We should endeavor to eradicate mosquitoes and educate the public on the spread of this disease before it causes microcephaly, other developmental disabilities, and loss of vision and hearing in newborns. It is a threat to adults, as well as to newborns. Undercutting the investments we have made to date in public health is far from the right course to take. With women and families across the country looking to Congress for action, now is the time for us to take advantage of the bipartisan measures that are before us.

I urge that we support those bipartisan measures that will help us increase readiness and surveillance, develop a vaccine, and educate communities about how we can better protect women and children, as well as others, from this vicious and pernicious disease.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. BURR. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. BURR. Mr. President, I rise today to speak on the importance of fighting the Zika virus and the urgency of being prepared for the full range of threats we may face, whether naturally occurring, such as Zika, or manmade.

To some, this may look like a grasshopper, but that is actually a mosquito. The question is, Prepared for all hazards? We still do not have answers to all the questions surrounding Zika, but we do know this: Zika is a very serious public health threat, and we need to act. That is why I support the Blunt-Murray amendment to bolster our Nation's response to it.

The CDC has indicated that the mosquitoes responsible for spreading the virus could be found in a significant portion of the United States, including my State of North Carolina. What makes this virus particularly troubling is that it has the potential to cause

tragic birth defects in babies born to mothers infected with Zika. The virus has also been linked with serious neurologic conditions. The sad news of reported cases of microcephaly is an urgent call to us that this virus poses a very serious threat to pregnant women and their unborn children. We need to take action to help these women deliver healthy babies and stop the spread of the virus.

It is concerning to know that we do not have drugs to prevent or treat Zika, and we will likely not have them until after the summer when mosquitos are present in many of the communities back home.

Zika underscores the importance of supporting a flexible, all-hazards approach and response framework under the Pandemic and All-Hazards Preparedness Act—legislation I authored almost a decade ago—to ensure our Nation would be better prepared for the range of serious public health threats we might face, such as Zika. It also underscores that Mother Nature always has the potential to throw us a curveball, this time in the form of a virus with the potential for devastating birth defects transmitted through a simple mosquito bite. This mosquito-borne virus also highlights why we must be prepared with the appropriate tools to protect the health of America from situations in which infectious diseases are moving from animals to humans.

Thankfully, because of the Pandemic and All-Hazards Preparedness Act, we have been better prepared to respond to Zika and other recent threats. But this work is never done, and we must always remain vigilant when it comes to medical and public health preparedness and response. The next threat may be naturally occurring, or it may be the result of a deliberate attack. We need to be prepared for all of them.

After 9/11, Congress established the BioShield Special Reserve Fund to encourage the development of countermeasures that meet specific requirements for use against chemical, biological, radiological, and nuclear agents that the Department of Homeland Security has determined pose a material threat against the United States population sufficient to affect our national security. These are threats like anthrax, Ebola, hemorrhagic fever, and smallpox. Like Zika, the American people expect us to be ready to respond to these threats.

Unfortunately, I am not going to be able to support the amendment offered by my colleagues from Florida because it would gut BioShield. The President's fiscal year 2017 budget proposed decreasing BioShield by \$160 million, and then weeks later, with Zika's emergence, the administration proposed raiding the BioShield fund. These actions do not instill confidence that the Federal Government is prepared to handle these threats and will be a committed partner in these public-private partnerships—partnerships that are

crucial for defeating Zika. I want to work with the administration to improve our Nation's biodefense preparedness and response, especially with regard to emerging infectious diseases, but gutting BioShield is not the answer.

I also wish to take a moment and talk about the Biomedical Advanced Research and Development Authority, or BARDA, as I call it. BARDA is currently helping innovators navigate the development of the "valley of death" by supporting advanced research and development of medical countermeasures and spurring innovation, such as platform technologies, to ensure that we are as nimble as possible when confronting serious public health threats. BARDA is on the frontline of combating Zika because it is a linchpin in advanced medical countermeasures.

It is also critical that we support BARDA in fulfilling its mission. The Blue Ribbon Study Panel on Biodefense recently issued a report that found there are "serious gaps and inadequacies that continue to leave the Nation vulnerable to threats from nature and terrorists alike."

We cannot lose our focus on preparing for the threats we have identified. By strengthening our work in this area, we will be better prepared for the next naturally occurring threat. Regardless of the threat, we know the American people expect us to protect them from it and to be prepared to combat it. Today the threat is Zika. Two years ago the threat was Ebola. And the years before that, it was a novel flu strain. We have been here before. We don't know what the next threat will be or how it will arise, but by staying focused on identified threats and being vigilant to finish what we start, we will be better prepared for the next threat, whether naturally occurring or the result of a deliberate attack.

I strongly support the Blunt-Murray Zika amendment because it will help protect women, babies, and families threatened by Zika in North Carolina and across the United States. It will also ensure that we continue to make progress against a full range of threats we may face in the future. I believe we must confront the threat of Zika with the resources this tragic virus demands and the compassion that women and children deserve. The Blunt-Murray amendment does both. I look forward to supporting it and continuing to fight to ensure that Americans are protected from Zika and all other threats we might face.

While the Presiding Officer and chairman are here, I might add that America is the world's response. We are the ones who funded and initiated the cure for Ebola. We are the ones who took the seasonal flu variations and modified them to reflect the greatest threat. And America will be the one—for the world—that addresses a cure, vaccine, or countermeasure for Zika. The good news is that, as a Congress,

over 10 years ago we set up the architecture to be able to be ahead of things like Zika and Ebola. Quite frankly, during different administrations under different control, we failed to fund the things that we recognized we needed to do.

As we have this crisis and we respond to it, let's also reassure the American people that we are going to invest in that architecture and that we will be ahead of novel diseases. I call it novel. We have known about Zika for over 40 years, and the fact is that technology now allows us to address this in a different way. Let's invest in those platform technologies. Let's make sure we have an architecture that allows advanced development for the vaccines or the countermeasures. Let's not let down the American people on the next disease or the next threat that we might face.

I thank the Presiding Officer and the chairman.

I yield the floor.

#### RECESS

THE PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

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

THE PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided between the managers or their designees.

The Senator from Maine.

Ms. COLLINS. Mr. President, at this point I wish to yield to Senator REED of Rhode Island, the subcommittee ranking member and the comanager of this bill.

THE PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, let me thank the chairman for her consideration. I rise in support of the Zika supplemental amendment offered by Senators MURRAY and BLUNT, as well as the amendment offered by Senator NELSON.

The threat of the Zika virus is a serious public health issue and Congress must act to help minimize the spread before we have an epidemic on our hands. It has been over 2 months since the Administration asked for emergency funds for a comprehensive response to the Zika virus and to speed up development of a vaccine. This should not be a partisan issue, and inaction leaves us more susceptible to this serious public health emergency. This disease is spreading rapidly in other countries, and as we saw last year with Ebola—and with other mosquito-borne illnesses—we are living in an interconnected world and we are not immune to the spread of these diseases.

Already, there are over 1,000 cases of Zika virus in the United States and U.S. territories, including over 100 pregnant women. We have only seen two cases so far in my home State of Rhode Island, but the virus is spreading and it isn't going away on its own. We will certainly see these numbers increase as we approach the summer months.

I had the opportunity to host a discussion in Rhode Island about this topic just a few weeks ago, bringing together Federal officials from the Centers for Disease Control and Prevention and the National Institute for Allergy and Infectious Diseases, as well as public health officials from the Rhode Island Department of Health, among other experts in the State. Everyone agreed that funding is needed immediately to ensure that we are prepared for Zika.

State and local public health departments will be critical to strengthening efforts to prevent and diagnose cases of Zika, among other mosquito-borne illnesses this summer. While transmission of mosquito-borne illnesses has been limited in the United States so far, it is critical that state and local public health departments have the resources they need—in addition to ongoing communication with the CDC—so they have the most up-to-date information on diagnostics and testing for mosquito-borne illnesses.

The NIH also needs more resources to help fast-track research and development of a vaccine for the Zika virus. The Zika virus has the potential to circulate in the United States over the long term, and we need to be prepared for the fact that we will be combating this disease for more than just a few months in the summer.

We also need more research on the virus. The Zika virus has been around for decades, and there have been outbreaks in other parts of the world, but we didn't know it could cause a birth defect called microcephaly that impacts brain development until this year. We still don't know the long-term impacts on these children and their mothers.

I plan to support Senator NELSON's amendment to fully fund the administration's Zika supplemental request. I appreciate his efforts to push this issue and to help ensure that we have robust funding to help combat the threat of Zika.

While Senator NELSON's approach is preferable, I also plan to support the amendment of Senator MURRAY and Senator BLUNT to provide \$1.1 billion in funding to address Zika. This amendment is a bipartisan compromise, and my hope is that no less than this funding level will move forward and be signed into law before we head into the summer months.

It is so critical that we move quickly on this so our state and local health departments will have the resources they need to deal with the potential growing cases in the coming months.

Senators MURRAY and BLUNT have been working for weeks on this amendment, and I want to thank them for their commitment to get to this agreement.

I will oppose Senator CORNYN's amendment, which would make harmful cuts to the Prevention and Public Health Fund. This is a classic case of robbing Peter to pay for Paul. The Prevention and Public Health Fund makes exactly the kinds of investments in our public health infrastructure that better prepare us to deal with emergencies like Zika or Ebola.

The Prevention and Public Health Fund also helps fund disease prevention programs such as cancer screenings and immunization programs that save us money in the long run. Instead of cutting the Prevention and Public Health Fund to pay for the Zika supplemental, we should actually be investing more into these programs. So it is my hope we will reject this approach and instead pass emergency legislation today to deal with the Zika virus.

The funding that will be made available as a result of today's votes will be critical in the efforts to prevent outbreaks of the disease in the United States and hopefully the creation of a vaccine in the near future.

There is still a lot we don't know about the Zika virus—and once we pass this emergency funding package, Congress will still need to work together to continue evaluating needs and determining whether more resources are necessary.

I look forward to working with my colleagues to protect Americans from the potentially devastating impacts of the Zika virus.

Thank you, Mr. President.

THE PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, shortly the Senate will proceed to consider three alternative proposals to provide much needed funding to combat the Zika virus. I am deeply concerned about the rapidly emerging and evolving Zika virus, which poses a particular threat to pregnant women and can cause serious birth defects.

To learn more about this virus and other public health challenges, I recently toured the Centers for Disease Control and Prevention in Atlanta, GA, with my friend and colleague Senator ISAKSON. I was deeply impressed by the team of extraordinarily dedicated public servants who work there. These scientists leverage an enormous range of knowledge to protect the American people, including through rapid response to infectious disease threats.

CDC's experts told me they call the mosquito that carries the Zika virus the cockroach of the mosquito world because it is so difficult to get rid of. This mosquito can breed in water that fits within the size of a bottle cap. It is commonly found in the United States in areas like Florida and our gulf coast.

There are now more than 1,000 cases of Zika virus in the United States and