

on that terrible day and other survivors of the attacks will be able to receive treatment for any injuries resulting from the attacks. And my Administration also directed the Intelligence Community to perform a declassification review of "Part Four of the Joint Congressional Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11," so that the families of 9/11 victims and broader public can better understand the information investigators gathered following that dark day of our history.

Notwithstanding these significant efforts, I recognize that there is nothing that could ever erase the grief the 9/11 families have endured. My Administration therefore remains resolute in its commitment to assist these families in their pursuit of justice and do whatever we can to prevent another attack in the United States. Enacting JASTA into law, however, would neither protect Americans from terrorist attacks nor improve the effectiveness of our response to such attacks. As drafted, JASTA would allow private litigation against foreign governments in U.S. courts based on allegations that such foreign governments' actions abroad made them responsible for terrorism-related injuries on U.S. soil. This legislation would permit litigation against countries that have neither been designated by the executive branch as state sponsors of terrorism nor taken direct actions in the United States to carry out an attack here. The JASTA would be detrimental to U.S. national interests more broadly, which is why I am returning it without my approval.

First, JASTA threatens to reduce the effectiveness of our response to indications that a foreign government has taken steps outside our borders to provide support for terrorism, by taking such matters out of the hands of national security and foreign policy professionals and placing them in the hands of private litigants and courts.

Any indication that a foreign government played a role in a terrorist attack on U.S. soil is a matter of deep concern and merits a forceful, unified Federal Government response that considers the wide range of important and effective tools available. One of these tools is designating the foreign government in question as a state sponsor of terrorism, which carries with it a litany of repercussions, including the foreign government being stripped of its sovereign immunity before U.S. courts in certain terrorism-related cases and subjected to a range of sanctions. Given these serious consequences, state sponsor of terrorism designations are made only after national security, foreign policy, and intelligence professionals carefully review all available information to determine whether a country meets the criteria that the Congress established.

In contrast, JASTA departs from longstanding standards and practice under our Foreign Sovereign Immuni-

ties Act and threatens to strip all foreign governments of immunity from judicial process in the United States based solely upon allegations by private litigants that a foreign government's overseas conduct had some role or connection to a group or person that carried out a terrorist attack inside the United States. This would invite consequential decisions to be made based upon incomplete information and risk having different courts reaching different conclusions about the culpability of individual foreign governments and their role in terrorist activities directed against the United States—which is neither an effective nor a coordinated way for us to respond to indications that a foreign government might have been behind a terrorist attack.

Second, JASTA would upset longstanding international principles regarding sovereign immunity, putting in place rules that, if applied globally, could have serious implications for U.S. national interests. The United States has a larger international presence, by far, than any other country, and sovereign immunity principles protect our Nation and its Armed Forces, officials, and assistance professionals, from foreign court proceedings. These principles also protect U.S. Government assets from attempted seizure by private litigants abroad. Removing sovereign immunity in U.S. courts from foreign governments that are not designated as state sponsors of terrorism, based solely on allegations that such foreign governments' actions abroad had a connection to terrorism-related injuries on U.S. soil, threatens to undermine these longstanding principles that protect the United States, our forces, and our personnel.

Indeed, reciprocity plays a substantial role in foreign relations, and numerous other countries already have laws that allow for the adjustment of a foreign state's immunities based on the treatment their governments receive in the courts of the other state. Enactment of JASTA could encourage foreign governments to act reciprocally and allow their domestic courts to exercise jurisdiction over the United States or U.S. officials—including our men and women in uniform—for allegedly causing injuries overseas via U.S. support to third parties. This could lead to suits against the United States or U.S. officials for actions taken by members of an armed group that received U.S. assistance, misuse of U.S. military equipment by foreign forces, or abuses committed by police units that received U.S. training, even if the allegations at issue ultimately would be without merit. And if any of these litigants were to win judgments—based on foreign domestic laws as applied by foreign courts—they would begin to look to the assets of the U.S. Government held abroad to satisfy those judgments, with potentially serious financial consequences for the United States.

Third, JASTA threatens to create complications in our relationships with even our closest partners. If JASTA were enacted, courts could potentially consider even minimal allegations accusing U.S. allies or partners of complicity in a particular terrorist attack in the United States to be sufficient to open the door to litigation and wide-ranging discovery against a foreign country—for example, the country where an individual who later committed a terrorist act traveled from or became radicalized. A number of our allies and partners have already contacted us with serious concerns about the bill. By exposing these allies and partners to this sort of litigation in U.S. courts, JASTA threatens to limit their cooperation on key national security issues, including counterterrorism initiatives, at a crucial time when we are trying to build coalitions, not create divisions.

The 9/11 attacks were the worst act of terrorism on U.S. soil, and they were met with an unprecedented U.S. Government response. The United States has taken robust and wide-ranging actions to provide justice for the victims of the 9/11 attacks and keep Americans safe, from providing financial compensation for victims and their families to conducting worldwide counterterrorism programs to bringing criminal charges against culpable individuals. I have continued and expanded upon these efforts, both to help victims of terrorism gain justice for the loss and suffering of their loved ones and to protect the United States from future attacks. The JASTA, however, does not contribute to these goals, does not enhance the safety of Americans from terrorist attacks, and undermines core U.S. interests.

For these reasons, I must veto the bill.

BARACK OBAMA.

THE WHITE HOUSE, September 23, 2016.

Mr. McCONNELL. Madam President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the veto message be held at the desk, and at a time to be determined by the majority leader in consultation with the Democratic leader on Wednesday, September 28, the Senate proceed to the veto message on S. 2040; that there be 2 hours of debate, divided between the leaders or their designees; that upon the use or yielding back of that time, the Senate vote on passage of the bill, the objections of the President to the contrary notwithstanding, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

#### CONTINUING RESOLUTION

Mr. McCONNELL. Madam President, the 10-week clean CR the Senate will vote on tomorrow is pretty simple. It keeps the government funded at the same agreed-upon, bipartisan spending levels as today. It contains zero controversial riders, it funds the fight

against Zika, and it ensures that veterans and the victims of severe flooding and the heroin and prescription opioid crisis are not left behind. It is clean. It is fair. We should pass it.

Now, it is true that some in the Democratic leadership would like to turn this simple 10-week funding bill into some unnecessary partisan food fight. They think it is good election-year politics, but they have struggled to explain how they might even justify a vote against it. They can't do it on spending levels; they already agreed to those. They can't do it on controversial riders; there are none. They can't do it on Zika; we have a bipartisan compromise there. Both Democrats and Republicans agree on the need to help vets, flood victims, and those suffering from the heroin and prescription opioid crisis.

So if both parties support what is actually in the clean CR-Zika package, then just what in this bill are Democratic leaders opposed to? It turns out they are trying to take our country to the brink, not based on something that is in this bill but something that isn't, and it is something the Senate already addressed in the appropriate vehicle to do so.

On September 15, the Senate voted to pass the Water Resources Development Act, which includes assistance for the families affected by lead poisoning in Flint. As Chairman INHOFE has pointed out, WRDA is not only the proper vehicle to address the situation facing Flint now, it is also the proper vehicle to help prevent water infrastructure crises in the future. The House is now prepared this week to pass WRDA as well, and Chairman INHOFE has pledged he will continue to pursue resources for Flint once the bill goes to conference.

We know it is important to help the victims of recent severe flooding. Democrats are now suggesting, however, that we not provide that relief unless they get an unrelated rider in this clean CR-Zika package. Is their solution then to remove help for flood victims? If their solution is to remove help for flood victims, they should say so.

So let's be clear. It would be cruel for any Senator who just voted to help Flint to now turn around and filibuster the victims of floods, the heroin and prescription opioid crisis, and Zika as part of some partisan game.

Senators in both parties know this. I know our Democratic friends understand this, especially when we consider their calls to do more to address the heroin and prescription opioid crisis, and especially when we consider the letter they just wrote on Zika this month.

Let me read some of what they had to say: "Zika is now well established in the United States with cases of local transmission by mosquitoes being reported in multiple areas of Florida, as well as the U.S. territories," Democratic Senators wrote. It is causing "babies [to] die, pregnant women and

communities [to] suffer, [and] adults [to] worry about future long-term neurological risks from Zika. . . ."

These Senate Democrats called for immediate passage of a bipartisan Zika package because "[t]he longer we delay, the greater the . . . irreparable human harm from Zika."

This is what they said: "The time for partisan games is over."

Now, that is a letter Senate Democrats wrote just this month. The bill before us contains a compromise Zika package that both parties support.

Senator NELSON, a Democrat from Florida, understands the urgency of addressing Zika, and that is why he supports this bill which, as he noted, represents a "clean \$1.1 billion to help stop the spread of the Zika virus with no political riders."

Senator SCHATZ, a Democrat from Hawaii, also voiced his support for the Zika compromise in this bill. Just last week, he said it is good for his State and urged that we "move forward with providing the CDC with the resources it needs."

Senator NELSON and Senator SCHATZ are just 2 Democratic Senators out of nearly 30 who penned the letter earlier this month calling for quick congressional action on Zika. I ask all of them to join us and act now.

Just as we joined together to help Flint earlier this month in the appropriate vehicle, now it is time for Democrats to join with Republicans to ensure veterans and those impacted by Zika, flooding, and the heroin and prescription opioid crisis do not fall victim to a partisan filibuster.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

#### DONALD TRUMP

Mr. REID. Madam President, virtually every time Donald Trump says or does something discriminatory—and that is often—the media relies upon a catalog of buzzwords to describe his actions. The press uses words like hateful, intolerant, bigot, extremist, prejudice, to name but a few. Yet there is always one word that many of the press conspicuously avoid: Racist. They never label Trump as a racist, but he is a racist. Donald Trump is a racist. "Racist" is a term I don't really like.

We have all, with rare exception—I don't know who it would be—said things that are not politically correct, but I don't know of anyone, when that happens, who doesn't acknowledge it and, if necessary, apologizes quickly, but Donald Trump doesn't believe the racist things he does and says are wrong. He says them with the full intent to demean and to denigrate. That is who he is.

Each time Trump is given a chance to apologize and make amends, he re-

fuses, and then he doubles down on what he said before. The media is not holding Donald Trump accountable at all. He is not being held accountable.

So why do reporters and pundits abstain from calling Trump what he is—a racist? It is not as if Trump's racism is new. His bigotry has been on display since the early days of his business career.

When Donald Trump was still working at his father's side as second in command, the Department of Justice slapped their company with a civil rights lawsuit. Why? Because they deserved it. Undercover Federal officers in New York found that the Trumps discriminated against potential tenants by rejecting applications for housing from African Americans and Puerto Ricans.

Trump has even had a secret system for discriminatory practices. As the Washington Post reported:

Trump employees have secretly marked the applications of minorities with codes, such as 'No. 9' and 'C' for colored. . . . The employees allegedly directed blacks and Puerto Ricans away from buildings with mostly white tenants and steered them toward properties that had many minorities.

In the 1980s, Trump took his racism to Atlantic City. This is Donald Trump at his best. He cheated, coerced, filed bankruptcy, did anything he could to cheat people out of money. In the process, his racism came to the forefront in Atlantic City. Trump was accused of making his African-American employees move off the casino floor when he didn't want to see them, which was any time he came to the casino. One employee, Kip Brown, said:

When Donald and Ivana came to the casino, the bosses would order all the black people off the floor. It was the eighties, I was a teenager, but I remember it: they put us all in the back.

Trump was later fined \$200,000 by the New Jersey Casino Control Commission for that act of disgusting racism.

In the 1990s, John O'Donnell, the former president of Trump Plaza Hotel and Casino, wrote a book about his time working with Donald Trump. O'Donnell reported that Trump frequently denigrated African Americans. He remembers a lot, but he specifically remembers Trump saying of his accountants:

I've got black accountants at Trump Castle and Trump Plaza. Black guys counting my money! I hate it. The only kind of people I want counting my money are short guys that wear yarmulkes every day.

How about that?

I've got black accountants at Trump Castle and Trump Plaza. Black guys counting my money! I hate it.

Those are words from Donald Trump's mouth. The only kind of people I want counting my money are short guys that wear yarmulkes every day.

That is what he said.

Speaking of another African-American employee, Trump told O'Donnell:

I think the guy is lazy. And it's probably not his fault because laziness is a trait in blacks. It really is. I believe that.