



Congress Overrides Presidential Veto of JASTA Legislation

By Roxanne Perugino

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Despite an intensive lobbying effort by Saudi Arabia's many lobbyists against the **Justice against State Sponsors of Terrorism Act** (JASTA), the House and Senate on September 28 voted to override the President's veto. This is the first successful override of a presidential veto since President Obama took office. The legislation would allow families of the 9/11 victims to sue the Kingdom of Saudi Arabia in US courts by changing the Sovereign Immunity law. A two-thirds majority in both chambers is necessary to override a presidential veto and Congress had no difficulty in meeting this constitutional threshold.

The Senate, by an overwhelming vote of 97-1, overrode the presidential veto. Senator Harry Reid (D-Nevada) was the only "no" vote. His vote is seen as more an act of loyalty to the President as Reid is retiring at the end of his term and had nothing to lose by voting to sustain the veto. Senators Tim Kaine (D-Virginia) and Bernie Sanders (I-Vermont) did not vote. Senator Chuck Schumer (D-New York), who lost many constituents in the 9/11 terrorist attack, was apparently persuasive in his speech, arguing that it was important that the families of the 9/11 victims are allowed to pursue justice. Schumer failed to mention that there is no proof that the Saudi government was involved in the 9/11 attack.

The House quickly followed suit, overriding the presidential veto by a vote of 348 to 77. Nineteen Republicans and 58 Democrats voted to sustain the veto, with six members not voting. Representative John Conyers (D-Michigan), the ranking member on the House Judiciary Committee tried to convince House members of the negative impact the legislation will have on US-Saudi relations, to no avail. The JASTA bill is now considered enacted into law and the President cannot veto it again.

Under the legislation, litigants must prove that Saudi Arabia knowingly provided “direct” support to terrorist groups planning attacks against the US. The 9/11 Commission Report and the 2002 Congressional Investigation into the 9/11 attacks found no evidence of direct Saudi government involvement.

Ramifications for US-Saudi Relations

The veto override is a huge disappointment to President Obama and to Saudi Arabia, a long-standing US ally in the Middle East. The Saudi government strongly opposed the legislation, spending huge amounts of money to hire “influential” lobbyists, including former members of Congress, who for all their efforts, failed to convince Congress to sustain the veto.

Senator Lindsey Graham (R-South Carolina) who has expressed concerns about the bills’ impact on the US-Saudi relationship and reciprocal sovereign immunity said he hoped a legislative “fix” could be worked out after the bill becomes law. Graham did not reveal specifically what he is planning. Several members who voted to override, including Senate Armed Services Chairman John McCain (R-Arizona) and Senate Foreign Relations Chairman Bob Corker (R-Tennessee) as well as ranking Democrat Ben Cardin (D-Maryland) nonetheless have concerns about the legislation’s potential to expose US troops and civil servants to foreign lawsuits and damage counterterrorism cooperation. On the House side, Armed Services Chairman Mac Thornberry (R-Texas) and ranking Democrat Adam Smith (D-Washington) also support a legislative fix, noting that the legislation also further undermines US standing as a reliable ally.

In the meantime, until Congress comes up with a legislative fix, current tensions in the US-Saudi relationship will only worsen. The US and Saudi Arabia have a longstanding strategic relationship which includes business, arms deals, Saudi oil, and most importantly counterterrorism efforts. The US cannot afford to alienate the Kingdom.



Suing the Saudi government in US courts, therefore, may not be in the best interest of the US particularly when no proof has emerged of direct Saudi government involvement in 9/11. It will be in the best interests of the US and Saudi Arabia for Congress to come up with a credible legislative fix sooner rather than later.