

S.J. RES. 65

Mr. VAN HOLLEN. Mr. President, as the late Senator John McCain once wrote, “We are a country with a conscience. We have long believed moral concerns must be an essential part of our foreign policy, not a departure from it.” He believed, as I do, that human rights and the rule of law are the cornerstones of a just and free society.

More than any President before him, however, President Trump has shirked our Nation’s values. This is especially true in his engagement abroad; across the globe, President Trump has embraced autocrats and derided our democratic allies.

The Kingdom of Bahrain is no exception to this disturbing trend. Just 2 months into his tenure, President Trump lifted all human rights conditions on a multibillion dollar sale of American fighter jets to Bahrain, imposed by President Obama. President Trump has attached no human rights conditions to any successive arms sale to Bahrain, including the arms identified in S.J. Res. 65.

The message President Trump has sent is clear: Bahrain has a green light to act with total impunity against its citizens. The Trump administration’s decision coincided with an intensified government campaign against civil society and peaceful political opposition. In its 2017 Human Rights Report, the State Department cited Bahrain’s unlawful killings by security forces, arbitrary arrest and detention of civilians, restrictions on freedom of expression, arbitrary citizenship revocation, and limits on Shia political participation, among a litany of other abuses by the state.

I recognize that, in every relationship, the United States must carefully weigh our national security interests. Bahrain is an important strategic partner and hosts our Navy’s Fifth Fleet. The arms identified in S.J. Res. 65 are intended for Bahrain’s territorial defense, which I support. However, I reject the notion, supported by this President, that our values and our interests are at odds. Our values, our willingness to consider the human costs of our actions, are what make the United States and what keep the United States exceptional. President Trump should not have abandoned human rights conditions in our arms sales to Bahrain, which is why I voted against the motion to table S.J. Res. 65.

COAST GUARD REAUTHORIZATION BILL

Mrs. FEINSTEIN. Mr. President, today I wish to raise concerns about the Vessel Incidental Discharge Act, known as VIDA, which is included in the Frank LoBiondo Coast Guard Act of 2018.

I voted in favor of the Frank LoBiondo Coast Guard Act of 2018, along

with 93 of my colleagues, because I strongly support the Coast Guard and its mission. The women and men of the Coast Guard provide invaluable services to our Nation, which include homeland security, maritime safety, drug interdiction, search and rescue, and marine environmental protection.

However, the Vessel Incidental Discharge Act title in the Coast Guard authorization bill is a rider that I have long opposed. VIDA imposes a uniform national standard and preempts California law in a way that weakens California’s ballast water management program, which protects coastal waters from pollution and invasive species.

California has one of the most stringent ballast water discharge and management standards in the Nation. It is home to three of the country’s largest and busiest ports with extremely high-volume traffic.

California’s ports are often the first stop for vessels from Asia before they travel up the West Coast. Therefore, California is often the first line of defense against the spread of invasive species and other types of pollution. That is why it has led the Nation in one of the most advanced, stringent ballast water and invasive species management programs—and with much success.

Invasive species wreak havoc on ecosystems and infrastructure, with wide ranging effects from damaging levee systems to crippling commercial fisheries. Due to climate change, warming waters and shifting currents will increase the spread of invasive species, and strong safeguards are needed now more than ever.

This is why I strongly oppose VIDA’s preemption of California’s ballast water program.

For all these reasons, I supported the Frank LoBiondo Coast Guard Act of 2018, but do not support the VIDA provision contained therein. Thank you.

VOTE EXPLANATION

Mr. HEINRICH. Mr. President, on October 11, 2018, I was unavoidably absent during rollcall votes Nos. 231, 232, 233, 234, 235, 236, 237, 238, and 239. Had I been present, I would have voted yea on vote No. 238 and nay on rollcall votes Nos. 231, 232, 233, 234, 235, 236, 237, and 239.

ASBESTOS BANKRUPTCY TRUST OVERSIGHT

Mr. GRASSLEY. Mr. President, today I wish to highlight the excellent work being done by the Justice Department under this administration in ensuring an accountable asbestos bankruptcy trust system.

In 1994, in response to widespread asbestos litigation in our Nation’s courts, Congress created a system of asbestos bankruptcy trusts. The purpose of these trusts is twofold. First, they provide an effective means for victims of asbestos exposure to obtain compensation from the companies they

worked for years earlier or whose products caused their injuries. This helps provide some measure of justice for those whose lives have been dramatically impacted by asbestos exposure.

At the same time, the companies, who otherwise face crippling liability, obtain a degree of certainty as they emerge from bankruptcy and reenter the stream of commerce.

Most importantly, these trusts are designed to ensure that all victims, current and future, have access to compensation for their injuries.

If the available funds are depleted unfairly through fraudulent claims, abuse, or mismanagement, it is the future victims, or those whose injuries have yet to manifest, who will feel the impact.

Unfortunately, the asbestos bankruptcy trust system has largely lacked any meaningful, independent oversight to ensure that trusts are not deceived into—or willingly engage in—paying erroneous claims to unscrupulous lawyers. For years, I have called out this problem and the need for more sunshine to deter potential abuse.

That is why I applaud the Justice Department’s recent actions to stand up for victims of asbestos exposure by ensuring an accountable trust system.

In a recent letter to 20 State attorneys general who had called for action, the Department forcefully criticized the “problematic lack of transparency in the operation and oversight of asbestos trusts” and acknowledged “alarming evidence” of “fraud and mismanagement inside trusts.”

On September 13, 2018, the Justice Department filed a statement of interest in a case concerning a proposed asbestos bankruptcy trust in North Carolina. The Department objected to the trust’s formation, arguing that the plans failed to include sufficient safeguards to prevent fraud and abuse of the trust funds.

The Department further stated that the United States will object to any plan that “lacks critical provisions to ensure transparency and accountability and to prevent fraudulent claims and mismanagement of the trust funds[.]” This includes ensuring that trusts comply with any obligations under the Medicare Secondary Payer Statute, avoid conflicts of interest, and prevent excessive administrative costs and attorney’s fees.

Shortly thereafter, on September 26, 2018, the Justice Department’s U.S. Trustee Program, for the first time ever, objected to the appointment of a proposed future claimants’ representative in a separate asbestos bankruptcy case based on the candidate’s apparent conflicts of interest and close ties to lawyers representing current claimants.

According to Principal Deputy Associate Attorney General Jesse Panuccio, “[t]o best protect all victims, those appointed in asbestos cases should be held to the same conflicts prohibitions and standards of independence that are

required of other fiduciaries under the Bankruptcy Code.”

I couldn't agree more.

Asbestos bankruptcy trusts are created to compensate victims, not to line the pockets of lawyers who file claims or administer the trusts. Fraudsters and poor management cannot be allowed to cheat victims of asbestos-related diseases out of the assistance Congress established for them.

So I am pleased to see the Justice Department stepping up and using its existing authority to push back against trust plans that fail to put the victims' interests first. I applaud its commitment to investigate conduct related to asbestos trusts that is illegal under Federal law.

It is time the asbestos trust system protects the interests of the victims, as Congress intended.

To be sure, however, Congress's job isn't finished. There are commonsense steps we can take to better ensure that the Department has the tools and authority it needs to police against fraud and mismanagement.

Earlier this year, I cosponsored S. 2564, the PROTECT Asbestos Victims Act, which would codify needed accountability measures for asbestos trust oversight. This bill, introduced by Senator TILLIS, deserves strong bipartisan support. Among other reforms, it strengthens the U.S. Trustee's statutory authority to investigate the administration and operation of trusts. If the U.S. Trustee believes a false claim or demand was paid by the trust, he or she may refer the matter to the U.S. Attorney's Office. It criminalizes a knowingly and fraudulently false claim or representation to a trust. It better ensures that the right people are appointed as future claims representatives, in other words, those who understand that their duty is to future victims, not to their trial lawyer friends.

These are commonsense reforms, and I invite all of my colleagues to join in support.

In the meantime, I fully expect the Justice Department to keep up its great work in protecting asbestos victims and the American taxpayer by policing against waste, fraud, and mismanagement in the asbestos bankruptcy trust system.

REMEMBERING JOYCE FIENBERG

Mr. CASEY. Mr. President, today I wish to remember Joyce Fienberg. Joyce was 1 of the 11 people who was violently killed at the Tree of Life Synagogue in Pittsburgh's Squirrel Hill neighborhood.

Joyce Fienberg spent 25 years at the University of Pittsburgh's Learning Research Center, where she focused on child development. She connected with the people she worked with and mentored graduate students. As her colleagues recalled, she was affectionately known as “mom to all of us.”

Throughout her life, Joyce wanted to be where she was needed and where she

could help. After her retirement, she became more involved in the Tree of Life Synagogue, and it became an outlet for her altruism. According to her son, she was a faithful attendee, a minyonaire, the nickname given to those members who attend the prayer quorum daily.

Joyce Fienberg may no longer be with us, but her kindness and her spirit will be remembered by those she knew and whose lives she touched.

REMEMBERING DR. RICHARD GOTTFRIED

Mr. CASEY. Mr. President, today I wish to remember Dr. Richard Gottfried. Richard was 1 of the 11 people who was violently killed at the Tree of Life Synagogue in Pittsburgh's Squirrel Hill neighborhood.

Richard Gottfried lived a full life and, in doing so, made this world a better place. Richard and his wife, Dr. Peg Durachko, both dentists, volunteered at the Catholic Charities free dental clinic, helping to ensure access to this vital care for all. Many of the people they helped were immigrants and refugees who had never been to a dentist. Richard, a member of the New Light Congregation, which shared space at Tree of Life, and Peg, a member of St. Athanasius Catholic Church, also helped to counsel couples preparing for marriage, wanting to aid and serve wherever they could.

Richard Gottfried lived his life trying to affect positive change and, through that commitment and dedication, had a direct, positive impact on many lives, a legacy that will endure for years to come.

REMEMBERING ROSE MALLINGER

Mr. CASEY. Mr. President, today I wish to remember Rose Mallinger. Rose was 1 of the 11 people who was violently killed at the Tree of Life Synagogue in Pittsburgh's Squirrel Hill neighborhood.

Maya Angelou once said, “My mission in life is not merely to survive, but to thrive; and to do so with some passion, some compassion, some humor, and some style.” By all accounts, Rose Mallinger lived that life. Ninety-seven when she died last month, everyone described Rose as full of life and destined to live to be at least 100 years old. The Tree of Life was the center of her days, and she had been a member of the congregation for over 60 years.

Rose Mallinger was an inspiration to all who met her, and that grace, that vivaciousness of spirit, will live on in the lives she touched.

REMEMBERING DR. JERRY RABINOWITZ

Mr. CASEY. Mr. President, I wish to pay tribute to Dr. Jerry Rabinowitz. Jerry was 1 of the 11 people who was

violently killed at the Tree of Life Synagogue in Pittsburgh's Squirrel Hill neighborhood.

General George Patton once said, “It is foolish and wrong to mourn the men who died. Rather we should thank God that such men lived.” Today we thank God for the life of Dr. Jerry Rabinowitz. When gunfire erupted, Dr. Rabinowitz was in a different location, but ran toward the gunfire, knowing there would be people who needed his care. That altruistic impulse cost Dr. Rabinowitz his life, but anyone who knew Dr. Rabinowitz has said he would have done nothing less.

A family physician, Dr. Rabinowitz was guided by a moral compass that never faltered and an inner light that never went out. He embraced AIDS patients in the early years of the epidemic when other doctors shunned them. He made house calls to check in on patients; he believed in treating the whole person. He did not just care for individuals, but for entire families. Three and four generations of families became patients of Dr. Rabinowitz. He also served as president of Dor Hadash, one of the congregations that met at the Tree of Life synagogue.

Dr. Rabinowitz's life ended tragically and far too soon, but the world is a better place for the years Dr. Rabinowitz was in it. His light lives on in all the patients he cared for and all the people he touched, and today we do indeed thank God for the life of Dr. Jerry Rabinowitz.

REMEMBERING CECIL AND DAVID ROSENTHAL

Mr. CASEY. Mr. President, I wish to pay tribute to Cecil Rosenthal and David Rosenthal. Cecil and David, who were brothers, were 2 of the 11 people who were violently killed at the Tree of Life Synagogue in Pittsburgh's Squirrel Hill neighborhood.

John-Jacques Rousseau once said, “The person who has lived the most is not the one with the most years but the one with the richest experiences.” By that standard, Cecil and David Rosenthal lived more than almost anyone to grace this earth. They were inseparable from each other and from the Tree of Life Synagogue. Born with intellectual disabilities, they lived together in a community home run by ACHEIVA, an organization that assists people with disabilities, and were beloved throughout their community. Their strengths complemented each other, and they looked out for each other.

Cecil, the more outgoing of the brothers, was known as the unofficial mayor of Squirrel Hill. He was a greeter at the Tree of Life Synagogue and active in the Best Buddies program that pairs college students with people with disabilities. David was more reserved, yet delighted everyone with his keen sense of humor. It was fitting that he became a custodian, as he had a passion for keeping things clean and