

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