

of the documents with witnesses and other third parties, such as their counsel, even if we do it in a nonpublic way, and that substantially interferes with the Senate's ability to continue its constitutional oversight of the executive branch. So the majority leader and I each wrote to Director Comey asking for a separate set of unclassified documents. Director Comey did not answer that letter. Then the FBI released, through the Freedom of Information Act, virtually all of the same unclassified material that it was asking the Senate to treat as if it was classified.

Releasing as much as possible to the public is the right thing to do, and I very much appreciate that Director Comey is complying with his legal obligation for transparency under the Freedom of Information Act. But these document controls imposed before the public release make it look as if the FBI is trying to muzzle Congress and keep us from working with the information until after the FOIA process is completed. So what is Congress forced to do? Congress has to wait in line behind FOIA requesters before we get access to information in a way that we can actually use it as followup for our investigation. The way this process is working sets a very dangerous precedent that could undermine transparency, and transparency is essential for accountability in government.

Frankly, this whole process is an end run around our constitutional oversight responsibility. If an agency wants to slow-walk Freedom of Information requests and give unclassified information to Congress with all kinds of strings attached to prevent us from using it, it could easily thwart oversight and accountability for months or even years.

I cannot agree to document controls that prevent the committee from doing its job, and the FBI should not ask me to do that.

We actually offered not to publicly disclose the contents of the documents and to treat them as confidential under Senate rules. Why is that not enough for the FBI to provide documents before the Freedom of Information process is complete so that we can use those very same documents in privately questioning witnesses?

All 100 Senators need to consider the consequences of allowing the executive branch to unilaterally impose restrictions on unclassified information like this. We must protect the independent powers of the Senate from the executive branch overreach.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

UNANIMOUS CONSENT REQUEST—  
S. 2971

Mr. PORTMAN. Mr. President, I rise today to talk about legislation that would support our first responders—specifically those who work on our urban search and rescue teams. These

are FEMA forces around the country staffed by volunteers—brave individuals who are willing to go into danger, who are willing to go into places like the aftermath of 9/11, as they did, or Katrina, as they did.

We just had the 15th anniversary of the 9/11 attacks, and many of my colleagues came on the floor and talked about how much they appreciate those first responders who responded for us. They talked about their virtues and how they put their lives on the line to rescue victims. Those heroes included members of our urban search and rescue teams.

As we all do, I remember where I was on 9/11. I was here in Washington. My wife was in for a rare visit. The morning 9/11 happened, I think she got the last Enterprise rental car out of town and went straight home to be with our three kids to let them know they would be safe. As she was driving back to Ohio on a Pennsylvania highway, she saw flashing lights coming the other way. It was Ohio Task Force One. She recognized the truck right away because we knew a lot of the members of that task force. The lights were flashing as they went into danger: They were driving to 9/11. They were there for weeks. Some were there for months. They put their lives on the line for all of us.

At every place around the country, these task forces are staffed by the same brave individuals—not just brave but highly skilled. We think about the bravery of people like Chief Jeff Payne of Ohio Task Force One, who immediately left his family and went to the World Trade Center. We think of men like Ray Downey, one of the architects of FEMA's Urban Search and Rescue Program. Ray gave his life that day, 9/11, so that others could live. I think about so many around the country who are not just brave but highly skilled and do extraordinary work. They bring specialized skills that most first responders wouldn't have, skills such as heavy rigging or the ability to lift large and heavy objects like iron beams and concrete walls—tools that were needed at the World Trade Center. They are absolutely critical to the future of our emergency response. They also went to Katrina to save lives there. They are volunteers. They leave their families on a moment's notice when they are needed for this vital support. On 9/11, some lost their lives in service.

The families who were affected by that want to be sure that when those members deploy at the risk of their health, employment, and personal liability, that when they put it all on the line, we are there for them. That is what this legislation does.

It doesn't have to be the way it is now because we could put legislation in place that would take a lot of those concerns away, give people more peace of mind, and protect these first responders from lawsuits, medical expenses, and job loss as a result of their

service. The legislation is called the National Urban Search and Rescue Response System Act. It is something FEMA asked this Congress to do after 9/11. It took Congress a while to get through it, but we finally put together legislation with FEMA over the last year and a half. The legislation was worked on by Republicans and Democrats alike. It has been totally non-partisan.

The coauthor of this legislation is TOM CARPER, the ranking Democrat on the Homeland Security Committee. The Homeland Security Committee passed this legislation not with a vote of Democrats and Republicans on each side but unanimously, with Democrats and Republicans working together. We actually passed the legislation unanimously back on May 25.

The legislation not only has the support of Homeland Security & Governmental Affairs Chairman JOHNSON, Ranking Member CARPER, Senator CORY BOOKER, Senator MIKE BENNET, Senator DIANNE FEINSTEIN, but it is also just common sense. This is exactly the kind of legislation we should be passing around here.

It has the support of FEMA, strong support. They are the ones who worked with us to put this together because they want to codify what current rules are and expand those rules and clarify them.

It has the strong support of the International Association of Firefighters, and they are wondering why we can't get this done.

It also has the support of Homeland Security Secretary Jeh Johnson, with whom I spoke yesterday in a public hearing about this very bill. He said, "Let's get it done." He wants us to complete this project. He testified before us yesterday—what will probably be his last testimony as Secretary before the Homeland Security Committee—and he said, "Let's get this done."

Despite this unusual and strong bipartisan support on a critical bill to help these first responders, we can't seem to get it done.

After getting out of committee on May 25 with a unanimous vote, we then took it to the floor. In fact, over the last couple of weeks, we have had it as a hotline, meaning you ask your colleagues whether they are OK with it passing. Of course, there has been no concern at all about the substance of the bill, so on our side of the aisle, no concerns were raised. By the way, it took 1 day to hotline it on our side, of course, because there is no controversy about it.

On the other side of the aisle, we have been asking every day. I have been asking my colleagues, including TOM CARPER and CORY BOOKER, who want to get this done, if they can help. They said there seems to be a hold on it. They say it is an anonymous hold. In other words, somebody is objecting to it over there on the other side of the aisle, but they won't come forward and

say they are objecting to it. To me, that is wrong. That is why a couple days ago I said I was going to come to the floor and ask unanimous consent to find out who could possibly be objecting to this. My colleagues asked me if I could give them a couple days to check it, so I have. So I didn't do it the day before yesterday when I planned to, and I didn't do it yesterday because they wanted more time to check on it.

They continue to tell me that there is a hold, and it is an anonymous hold. I hope it is not for political purposes. That would, of course, be an incredible disservice to these first responders. If they think these task force members should come home from saving lives and have to pay for expensive injuries or health problems acquired in their service, we should have a conversation about that. If they think they shouldn't have a job waiting for them when they get back, we should have a conversation about that. But frankly, in my view, I don't think that is the issue. I can't imagine anybody objects to this on the substance, so let's get this done.

Mr. President, I ask unanimous consent that we get it done; that the Senate proceed to the immediate consideration of Calendar No. 578, S. 2971; further, that the committee-reported amendment be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, my friend from Ohio talks about common sense. Common sense dictates to me that the Republicans who run the Senate have had months to turn their attention to bills like this. They also have had months to do something else. For almost 200 days we have been waiting—waiting for the Republicans to have a hearing with Merrick Garland.

The Supreme Court is at a standstill. Nothing is being done. A new term, and they basically are afraid to take cases of controversy. Why? Because it is four to four. So common sense dictates to me that we should address the vacancy on the Supreme Court caused by the death of Justice Scalia.

On March 16, 2016, he was nominated. We are approaching October. To date, the Senate has not held a vote or even a hearing. It is nice that a few have decided to break from the Republican leader and even met with the man. That was nice of them to do that. Why haven't they held a hearing? Because they know they can't hold a hearing. Here is one of the most reasonable people who could ever be selected for the Supreme Court. The former chair of the Judiciary Committee, ORRIN HATCH, said he should be put on the bench. He would be a consensus nomination. But not in this Republican world, no.

So Democrats would be happy to consider bills like this about which the

Senator inquires as soon as Republicans have a little common sense—they used that word—and schedule a hearing and a vote on the nomination of Judge Garland.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. PORTMAN. Mr. President, this will probably be the last time I will have a chance to talk to the minority leader across the floor. I have worked with him on a number of things over the years, including when I was in the Senate and before the Senate. I guess I am going to plead with him this evening and say please don't block this. This has nothing to do with Supreme Court nominations. It has nothing to do with the other rancor we have seen here on the floor. This is a bill that is totally bipartisan. In fact, it is one that TOM CARPER, the ranking member of the committee, is the co-author of. It is one they have been asking for from FEMA for 10 years, even going back to a previous administration. It is one that has been up here on the floor for the last couple of weeks with no objections on the substance, not a single one.

I know Senator REID knows well that he has a task force in Nevada too. It is Nevada Task Force 1, located at the Clark County Fire Station in Las Vegas. I know he knows it well. They strongly support this legislation. Of course they do. All of them do. The International Association of Firefighters strongly supports this legislation.

If I can ask unanimous consent to put Senator REID's name as the author rather than me, I would do that tonight. Am I permitted to do that, Mr. President?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PORTMAN. Mr. President, I am willing to have this be a Reid bill. It would be a good bill here toward the end of the session for the Senator to do, which would help his firefighters. I will withdraw my name from the bill.

I ask unanimous consent to withdraw my name from the bill and insert Senator REID's name instead or anybody else he chooses.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I have objected.

The PRESIDING OFFICER. Objection is heard.

Mr. PORTMAN. Mr. President, I thank him for hearing me out tonight.

And to my colleagues, I hope this is legislation we can move forward on as soon as we get into another session, I guess the lameduck session. I hope to go to work with my colleague from Nevada on that. I know he has been very

supportive of firefighters and does not object to the merits of the legislation, so my hope is that we can get this done.

Mr. REID. Mr. President, I would ask my friend before he leaves that the Senator modify his request: that following a vote on confirmation of the nomination of Merrick Garland to be a Justice of the United States Supreme Court, the Senate proceed to the immediate consideration of his matter.

The PRESIDING OFFICER. Will the Senator modify his request?

Mr. PORTMAN. No. On behalf of the majority leader, of course I object to that. I am amazed that we are blocking legislation to help our urban search and rescue teams by bringing partisan politics into this discussion, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I submit that—my friend still has the floor, so I don't want to interrupt.

Mr. PORTMAN. I would be happy to yield to the minority leader.

#### THE SENIOR SENATOR FROM IOWA

Mr. REID. Mr. President, I don't know how anything could be more political, more repugnant to our system of government than what has happened with Merrick Garland.

The senior Senator from Iowa came here, and I waited for him—came to the floor to talk for a long time and in the process took credit for a bill that was Senator SHAHEEN's bill. It was her bill. He took it and put his name on it. That was interesting. In the same setting, he complained that I had objected to some bills advanced by Republican Senators.

I have to say that the Senator from Iowa has a lot of nerve to complain about our side blocking legislation. The Republican Senate has written the book on obstruction, filibustering 644 times in the time I was leader. That is a lot. It is so far out of the norm that it is not worth trying to be able to state more than what I did yesterday.

Lyndon Johnson was the majority leader for 6 years. There is some dispute over how many filibusters he had to overcome. We know it was one, and some say two. So two compared to 644 shows how outrageous is the conduct of the Republicans. The Senator from Iowa has written the book on obstruction of nominations. He singlehandedly blocked Judge Garland's nomination, and doing so is unprecedented. Never has a Judiciary Committee acted in this manner.

To use Senator GRASSLEY's own words, Senator GRASSLEY's action is "pure, unfiltered partisanship. It is election-year politics at its very worst." That was a quote from my friend, Senator GRASSLEY. If the senior Senator from Iowa is looking for pure, unfiltered partisanship, the next time he combs his hair or shaves, he should look in the mirror.

I yield the floor.