

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, on H.R. 5578 we take an important step forward for victims of crime by establishing key protections for survivors of sexual assault in our criminal justice system.

I was proud to work with Senator SHAHEEN on this legislation when it passed in the Senate earlier this year. Her Sexual Assault Survivors' Rights Act addresses the unique challenges faced by sexual assault survivors. This bipartisan bill received overwhelming support in the Senate. The House has acted on a companion bill, H.R. 5578, that is nearly identical to what Senator SHAHEEN championed in the Senate. Today we pass the House measure and ensure that it will become law.

In many jurisdictions across the country, survivors of sexual assault face a labyrinth of complex policies that deter them from pursuing justice. We have seen that even when survivors make the decision to come forward, sometimes evidence is not properly preserved or tested. This is not acceptable. Survivors of sexual assault should never feel abandoned by our criminal justice system.

Senator SHAHEEN's Sexual Assault Survivors' Rights Act treats survivors with the dignity and respect that they deserve. It guarantees basic rights to survivors and serves as a model for reform across our Nation. It strengthens notice requirements to ensure that survivors understand their rights, and know the status of their cases.

Senator SHAHEEN was an original co-sponsor of the Leahy-Crapo Violence Against Women Reauthorization Act, which was signed into law in 2013 and significantly increased resources for survivors of sexual assault. We are building on that progress today by passing the Sexual Assault Survivors' Rights Act, but our work is not done. I urge the House to pass my bipartisan Justice for All Reauthorization Act, which increases protections for victims of crime and provides resources to ensure key evidence is tested. The Senate passed this bill in June by voice vote, and I hope the House will act soon so that it can become law.

Today, I stand with survivors of sexual assault and with Senator SHAHEEN, whose work to protect the rights of victims is of great importance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for such time as I may consume, and I would say it would be in the neighborhood of about 10 or 12, maybe 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE DEMOCRATIC LEADER

Mr. GRASSLEY. Mr. President, I very much appreciate the leadership on

the other side of the aisle in letting this survivors' bill of rights pass. I do have some comments on the procedures that have held this bill and other bills up for too long a time. I usually don't feel the need to address the Democratic leader's remarks on the floor, but he has decided to put partisan politics above rape survivors for the last week at least, so I cannot stand on the sidelines and let those remarks go unrebuted.

The Democratic leader recently said right here on the floor of the Senate that "Congress is floundering because of Republican inaction." This could not be further from the truth. If you want to know what is really going on, it is that the Democratic leader is using political gamesmanship to hold up noncontroversial as well as bipartisan legislation, mostly by Republican Members who are up for reelection this year.

Why isn't the so-called objective media reporting on this? One need look no further than earlier today when Senator JOHNSON offered a noncontroversial bill to fight ALS, a tragic disease, and the Democratic leader blocked it. Look no further than what happened last week to Senator TOOMEY's bill, a noncontroversial bill to prevent animals from cruelty and torture. The Democratic leader blocked it. Look no further than what happened earlier this week to Senator THUNE's bill, the noncontroversial MOBILE NOW Act. The Democratic leader blocked it. Look no further than what happened earlier this summer to another noncontroversial bill backed by Senator JOHNSON that would improve whistleblower protections. The Democratic leader blocked it. Look no further than what happened a few months ago to Senator AYOTTE's bill, a noncontroversial bill to make anthrax vaccines available to first responders. The Democratic leader blocked it. That same day, just a week after five police officers were killed in Dallas, I tried to pass my noncontroversial bill to assist families of fallen police officers. The Democratic leader blocked that bill as well.

Each time Republicans tried to pass noncontroversial, bipartisan legislation, the Democratic leader blocked it. He is the common denominator. I wish I could say that I am surprised by the obstruction that is being pushed by the Democratic leader. But how can I be? This is how the Senate operated under his control. Under his tenure, even Members of his own party weren't allowed to offer amendments to his legislation unless he allowed it. In fact, there was at least one Member on the other side who went a full 6-year term without ever being allowed to offer a single amendment on the Senate floor for a vote.

The Democratic leader's actions in recent weeks—blocking these other bipartisan and, let me emphasize, noncontroversial bills—is pure, unfiltered partisanship. It is election-year poli-

tics at its very worst. It is the same failed strategy American voters rejected in 2014 when they gave Republicans control of the Senate. Perhaps the Las Vegas Tribune had it right a few months ago when they wrote that for the Democratic leader, "[it's] politics first, last and always."

Today I had an opportunity to champion for Amanda Nguyen and all survivors of sexual assault across the country. I am delighted the Democratic leader relented on this very important piece of legislation and let this bill pass. I urge the Democratic leader to allow these other bipartisan initiatives to pass as well.

RESTRICTIONS ON UNCLASSIFIED DOCUMENTS

Mr. GRASSLEY. Mr. President, today I want to again discuss the unnecessary restrictions on unclassified documents from the FBI's investigation of Secretary Clinton.

By way of background, on September 12, I came to the floor and gave a speech about the FBI improperly restricting unclassified documents as if they were actually classified. Since that speech, the FBI Director has continued to talk about transparency, as transparency should be talked about because the public's business ought to be public, and when there is transparency, there is accountability in government.

Behind the scenes, the FBI won't provide documents to the Senate Judiciary Committee unless we agree to very strict controls and strict secrecy. The FBI doesn't want the committee or the committee staff talking about what is in these documents to anyone, not even privately with witnesses and their attorneys.

Today, I personally spoke with Director Comey about the terms his staff is insisting on as a condition for providing the Clinton investigation documents. I want to be clear with the people of Iowa and the American public about what I told him and what my position is as chairman of the Senate Judiciary Committee, which is responsible for oversight of the FBI.

The committee did not agree to any conditions before the first document delivery last month. In fact, nobody at the FBI, Senate security, or Senate leadership consulted with me as chairman of that committee before accepting the documents addressed to the Judiciary Committee. Still, we honored those limits in good faith anyway while we tried to get the unclassified material separated from the classified material. We honored the limits even though we were not obligated by any legal restriction or agreement.

The controls of these documents are overkill for this kind of unclassified material. The access controls make it unnecessarily difficult to use documents and to follow up on the information in those documents.

The most objectionable restriction is that we cannot talk about the content

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