

wish to prolong this dispute, only to defend our constitutional order. When President Obama and Secretary Johnson take appropriate action, I will likewise take action and release these and future objections. I hope our two branches can resolve this confrontation quickly and in keeping with our constitutional traditions. The American people deserve no less.

The PRESIDING OFFICER. The Senator from Connecticut.

#### STRENGTHENING MISSING PERSONS DATABASES

Mr. MURPHY. Madam President, I am here on the floor this afternoon to talk about a young man named Billy Smolinski and a law that Senator HOEVEN and I are introducing on behalf of him, his family, and, quite literally, the millions of other families throughout the United States who have had to deal with the trauma, angst, and grief of a loved one gone missing.

I will begin by telling everyone a little bit about Billy Smolinski. Billy's parents don't think that he is alive any longer, but they aren't sure because on August 24, 2004, at the age of 31 Billy went missing.

Billy was a vibrant young man who lived in Waterbury, CT, along with his treasured dog. When he didn't respond to calls and communications from his family over the course of a number of days, his parents—and I will speak about his mother in particular, Jan Smolinski, who has been the driving force behind Billy's Law—contacted the Waterbury Police Department. The Waterbury Police Department is a great police department, and I have a lot of friends there, but even they will admit they really screwed up this case from the beginning. They told his parents that he probably didn't go missing, that he was just running away from his personal problems. One officer stated that Billy was probably "drinking a beer somewhere in Europe."

The Smolinskis pressed their case over and over, day after day, and after 2 weeks of asking for help from the police department, the Smolinskis were finally able to get an investigation started, but it went slowly. DNA samples were submitted and lost. It took 4 years before the police department ever actually searched his car to see if there was any information about what happened to Billy.

Billy's case made a lot of news in Connecticut and Waterbury, and over the course of the last few years, it has taken twists and turns, but he has never been found. His parents suspect he has been killed, but law enforcement hasn't made progress on that potential case either.

Over the course of the last 11 years, Billy's parents encountered obstacle after obstacle when they tried to be helpful and participate in the investigation and search for Billy Smolinski. They came to me at that time, as their Member of Congress rep-

resenting Waterbury, CT, to discuss ways in which we here in Washington could take down some of the barriers they faced. What they reluctantly found, as they became a part of this big national network of families who have had loved ones go missing, was that their story was not unique.

Their story of finding obstacles at the local police department and nationally was not unique and unfortunately all too common, as they tried to figure out what happened to Billy. What they were connected into was a national network of tens of thousands of individuals who were searching for a missing loved one—a missing father, mother, brother or sister.

Nationwide there are as many as 90,000 active missing persons cases at any given time, and there are some really simple things we can do to help families who are trying to find their missing loved one. Much of the attention, rightly, goes to missing children.

Missing children have an entire set of laws built up around them, and for good reason, our priority lies in finding them. Law enforcement, within a matter of hours, has to post information about missing children onto national databases. There are specific campaigns waged on billboards and media outlets to immediately find missing children. But our focus on finding missing children shouldn't absolve us from the responsibility to help families such as the Smolinskis to find missing adults as well.

Senator HOEVEN and I have gotten together on a fairly simple piece of legislation, and I wish to talk about it today. A companion piece of legislation is being introduced in the House by my colleague in Connecticut, Representative ELIZABETH ESTY, and Congressman TED POE of Texas.

I will explain what this piece of legislation does. At its foundation, it strengthens the database system that families access to try to find their missing loved one. Currently, there are two databases. One is a law enforcement database, which is called NCIC, and the other one is a public-facing database called NamUs. These two databases very often aren't talking to each other, and therein lies the primary problem this bill tries to solve.

Law enforcement uploads all sorts of information onto NCIC, but the net data often doesn't get transferred over to the database that the families can access, which is called the NamUs database.

Why is that important?

It is important because families are the supersleuths in cases of missing persons. Families are the ones who know all of the detailed and intricate information about the circumstances of a disappearance and the identification of their loved one.

I don't mean to get too gruesome, but think about this statistic. There are 40,000 sets of unidentified remains in the country today. Think about that. There are 40,000 sets of unidenti-

fied remains in the country, but because not all of that information—the detailed descriptions of those remains—is uploaded onto a database that the public can see, Billy's body may be out there somewhere, but his parents can't find him because they don't have access to the information. Unfortunately, that is the reality and the problem that we are trying to solve. If you get more information that law enforcement has onto a public database, the supersleuths—the parents, brothers, and sisters—will have more access to it. What about information that law enforcement has about an individual who has gone missing—a report of someone who has gone missing in California and whose information is not uploaded onto a database that a family who is looking for that information in New York may want?

This legislation authorizes NamUs permanently in law and then requires that the two databases be connected. Law enforcement, rightly, has a concern that any information that is sensitive to an open case should remain private, and this legislation allows for the FBI to determine what information has to remain private as part of NCIC and what information goes onto the public database. But connecting those databases will give more information to families such as the Smolinskis to try and crack these 90,000 cases that are out there today.

The legislation also opens up a relatively modest but important training program for police, coroners, and medical examiners to make sure they are using these databases and putting this information online. The databases don't work if the information is not getting uploaded. If the data from the coroner's office isn't up on the database, there is no way a family from across the country can access it to try to find the final resting place of their loved ones. So this legislation authorizes a small new program that would provide training to those medical examiners, coroners, and police departments to try to make sure that information is getting up on the law enforcement database, the NCIC. Remember, they put up all the information about missing kids right away, but as we heard in the case of Billy Smolinski, they often don't put that information up about missing adults.

Some of these police departments are tiny. They don't have the resources to train their personnel on how to do that, and this program would allow them to get that. In the end, we can crack a lot of these cases—thousands of these cases—if we are able to simply give tools to these families so they could participate in the search and tools to law enforcement so they can talk with each other.

The Smolinskis have not given up. Jan has come down to Congress to testify on behalf of Billy's Law. She has changed the practices of the Waterbury Police Department and has even gotten laws passed in Hartford to make sure

that other police departments don't make the same mistakes.

She wants to make sure those mistakes aren't repeated across the country. She thinks about what would have happened if that information about Billy had been uploaded onto NCIC immediately, the day she reported it. Maybe Billy was taken to some other State. Maybe the lack of that information being transmitted that day meant that a break in the case didn't happen in those early days. She always thinks about what would have happened if she had access to more information—if the database that she looks at virtually every day, the NamUs database, had more information about missing persons and unidentified remains. She thinks about her ability to solve this case and how it could have helped the police solve this case if those databases were better or more up to date.

We hope we are eventually going to solve the case of Billy Smolinski's disappearance in Connecticut, but we also hope that we can pass legislation here in both Houses—bipartisan, non-controversial, measured, common-sense—that will assure that there are less Jan Smolinskis in the world going forward.

We passed this in the House, when I was there, with a broad, big bipartisan vote. This is the first time we introduced it on a bipartisan basis here in the Senate, and I am hopeful—speaking on behalf of not just the Smolinski family, but the 90,000 other families who are grieving for a missing person—we can get this done and get it done shortly so we can get families and law enforcement the tools they need to crack more of these cases.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF DALE A. DROZD TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Dale A. Drozd, of California, to be United States District Judge for the Eastern District of California.

The PRESIDING OFFICER. Under the previous order, there will be 30

minutes for debate equally divided in the usual form.

Mr. LEAHY. Madam President, as the distinguished chair pointed out, we are going to vote on the nomination of Judge Dale Drozd to be a Federal District Judge for the Eastern District of California. That is the good news.

Unfortunately, the bad news is that so far this year, we have only confirmed six judges since the Republicans took back the majority in January. That is not even a judge per month. Some would claim this is reasonable, but I don't believe it is.

President Bush, in the last 2 years of his term, had a Republican majority for up to that point, but during the last years of his term he had a Democratic majority. I was chairman of the Judiciary Committee at that time. I did not want to do what the Republicans had done to President Clinton in blocking 75 of his judges. I said we have to go with the regular order, because if we didn't go with the regular order, we were going to be politicizing the judiciary.

So we had a Democratic majority, a Republican President, and by this time we had confirmed 33 judges hoping it would set a precedent and stop what was happening when the Republicans blocked 75 of President Clinton's judges. I wanted to set a different pattern. I wanted to take at least judicial confirmations out of politics.

Well, it went back to the same old, same old, doing just exactly what they did to President Clinton. They have allowed only six judges to be confirmed so far this year under the Obama administration, as opposed to 33 whom we had confirmed during the Bush administration. In fact, at this rate, by the end of the year, the Senate will have confirmed the fewest number of judges at any time any one of us have been in this body—the fewest number of judges in more than half a century—even though we have a much larger population, we have a lot more vacancies, and we have a number of judicial emergencies.

This has had a devastating effect on Americans across the country. I hear all the time from individuals and from small businesses about how they go into our Federal courts seeking justice; they want the Federal courts to hear these claims and these courts are saying: We can't. We have so many vacancies in the judiciary, it will be years before we can hear your case.

Last week, I spoke about the Associated Press report on Latino migrant farmworkers who have waited more than three years just to learn whether they can proceed with their claim for stolen wages. The lengthy wait time is due to the fact that there are too many cases and not enough judges in that California Federal court. An empty judgeship in that court has remained unfilled for almost three years. The long overdue vote today to confirm Judge Drozd will finally fill that vacancy.

The Wall Street Journal highlighted a case in the same California Federal

court brought by a former Navy technician who alleged that he had been discriminated against by his employer. That lawsuit has been pending for eight years. The technician has not been able to find steady work since filing his suit and does not know how he will manage financially as he waits for a day in court that seems never to come.

One of the Federal judges in that court, Judge Lawrence J. O'Neill, gave the Wall Street Journal this devastating assessment: "Over the years I've received several letters from people indicating, 'Even if I win this case now, my business has failed because of the delay. How is this justice?' And the simple answer, which I cannot give them, is this: It is not justice. We know it."

Today, Nancy Kaufman, the CEO of the National Council of Jewish Women, authored an op-ed which said: "what matters to the average person or business with a case in the federal courts is whether the lower courts are, in fact, able to dispense justice in a timely manner with so many empty seats on the bench. And that is where the majority in the Senate has strangled the process by running up the number of judicial vacancies."

I ask unanimous consent that Ms. Kaufman's op-ed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Huffington Post, Oct. 5, 2015]

#### THE DISGRACEFUL STATE OF JUDICIAL NOMINATIONS

(By Nancy K. Kaufman, CEO, National Council of Jewish Women)

The first Monday in October marks the beginning of a new term for the U.S. Supreme Court and a good time to reflect on the state of the nation's judicial branch of government. This year the capacity of the federal court system to keep up with its caseload is seriously in question. Judicial vacancies are rising and the Senate is likely to confirm the smallest number of nominees since 1953. The confirmation of federal judges by the Senate has all but come to a halt. Furthermore, the pattern of behavior by senators to slow the process appears quite deliberate. Critics have charged that the delays in the process are intended to deny President Obama the ability to appoint judges in the last two years of his term, unlike the pace of confirmations experienced by other presidents at this point in their tenure.

How has this happened? Judicial nominations proceed through the Senate in a sort of formal dance, in which individual senators have an unusual role. By tradition the president consults senators in whose states the judicial vacancies occur prior to nominating anyone. Then the nominees go before the Senate Judiciary Committee for hearings and a vote. But individual senators can delay a Senate Judiciary Committee hearing indefinitely without stating why. Some have done so even when they agreed to the nomination in the first place. A nomination can be held hostage due to another matter altogether or another piece of legislation. After