

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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