

These tragic events have shattered the lives of too many families. The shooter was armed with 6 firearms and loads of ammunition, and when they came to his home they found at least 14 guns—and another gun. I thought it was only 14, but, no, they found another one. So add them up—15 plus 6, or 21 guns—21 guns.

We do not yet know why this young man murdered these innocent people in cold blood. But what does it say about our country that it is willing to stand by, idle, while these tragedies happen, happen, happen?

Smarter gun laws in this country are long overdue. The lives of these men, women, babies, and children are at stake. How many more innocent lives must be taken before we are willing to act? How many more communities and families' lives will be shattered? How many more sacred places of worship will be violently attacked? How many more colleges or schools will be terrorized and forever traumatized by gun violence? How many more Americans will we mourn? How many more solemn statements, speeches of condemnation, and frank discussions must take place? What will it take before we stand up as a nation and say: Enough, not another innocent American will fall victim to this ideological crusade of having more guns and more guns and more guns.

If we don't take action, we are equally responsible for innocent deaths as are the sick individuals who plot and carry out these horrific massacres. I have started reaching out to Senators and talking about what can be done to advance the cause of background checks while Republicans are in charge for the next year or so. But one thing is clear. To pass background checks, we need Republicans to stop acting as puppets for the NRA.

Madam President, would the Presiding Officer announce what the schedule is for the rest of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NOMINATION OBJECTION

Mr. COTTON. Madam President, our Founders designed a constitutional government powerful enough to defend against all threats, foreign and domestic, yet safe enough itself not to threaten our liberty. The separation of powers is a primary feature of our Constitution. Our Founders knew that encroachment by the executive onto the legislature, or vice versa, isn't only a political dispute but ultimately a threat to the freedom of all Americans. Thus they provided both branches with checks and balances to prevent such encroachment.

Late last week, we learned shocking news. Armed agents of the executive violated the law to intimidate a Congressman from doing his job. This is exactly the kind of encroachment against which our Founders warned. The executive hasn't yet acted with anything like the gravity this matter deserves. Until it does, I intend to use the powers of my office to demand action and to protect our constitutional order.

Let me say more about the shocking news. In an inspector general report issued last week, we learned that dozens of Secret Service employees illegally accessed the personnel file of Representative JASON CHAFFETZ. More than a decade ago, Congressman CHAFFETZ applied to the Secret Service; he was not hired. Now he is the chairman of the House Oversight and Government Reform Committee.

In late March of this year, the committee held an important oversight hearing into a serious misconduct by Secret Service agents. Mere minutes into the hearing, an agent at the Secret Service's Washington office illegally searched the Service's database, which contains all manner of criminal, security, investigative, personnel, and other data. The agent discovered Congressman CHAFFETZ's old job application. This search was a blatant violation of the Privacy Act, about which the computer-based system explicitly warns on a prompt screen. The agent admitted conducting the search simply out of curiosity, presumably because Congressman CHAFFETZ was conducting an oversight hearing.

Far from an isolated incident, word quickly spread throughout the Secret Service, and 45 employees accessed Congressman CHAFFETZ's records over the next week on 60 different occasions. These employees were located around the world, from London to Sacramento, in multiple headquarters offices, even on Bill Clinton's protective detail. The inspector general could identify only four instances of potentially legitimate access. Moreover, the inspector general concludes that the information was shared with hundreds of people—each a violation of the Privacy Act.

Some employees realized their mistake and self-reported to their supervisor, according to the inspector general. While these employees indeed made a serious mistake, at least they

owned up to it. Others remained defiant, saying they didn't read the warning banner or even claiming a right to satisfy personal curiosity because the personnel files are "our database."

Let me state for the record my admiration for the vast majority of Secret Service agents, officers, and other professionals. We saw their professionalism on display again last month during Pope Francis's visit and at the U.N. General Assembly. They are dedicated professionals who risk their lives to defend our Constitution and laws. Indeed, Secret Service whistleblowers aware of this situation helped to initiate the inspector general investigation. Like the soldiers with whom I served in the Army, the upstanding men and women of the Secret Service want to get rid of their bad apples more than anyone.

Unfortunately, the senior leaders at the Secret Service once again failed their people. The inspector general identified 18 supervisors who knew or should have known of the illegal searches and disclosures. With but one exception, the inspector general found no evidence that these senior managers reported the matter up the chain of command or took steps to stop or remedy it.

These leadership failures went all the way to the top. One example is Deputy Director Craig Magaw. When briefed by a subordinate, Mr. Magaw reportedly "made a shooing hand motion and stated 'Yeah, yeah we know.'" Despite the gravity of the allegations, Mr. Magaw apparently took no steps to learn more or stop the illegal activity, and he claims not to recall this exchange.

Another example is Chief of Staff Michael Biermann, whom the inspector general characterizes as the de facto gatekeeper for Director Joe Clancy and Deputy Director Magaw. Mr. Biermann admits to hearing rampant rumors about the Chaffetz matter within 24 hours of the hearing. Yet he also apparently didn't inquire any further to learn the truth or take action to stop illegal activity.

The most egregious example of leadership failure in the inspector general report is Assistant Director Ed Lowery, the head of training for the Secret Service. Mr. Lowery wrote in this email about Congressman CHAFFETZ, "Some information that he might find embarrassing needs to get out. Just to be fair."

Lo and behold, 2 days later, a news Web site ran an article—unsourced—about Congressman CHAFFETZ's decade-old job application to the Secret Service. I wonder who the source could have been. For that matter, I wonder if this kind of attitude from the head of training explains some of the Secret Service's recent struggles.

There is even more egregious behavior not in the inspector general report. Thanks to a Friday afternoon news dump, we now know that Director Joe Clancy himself both knew of the Chaffetz matter at the time and misrepresented the facts to the inspector

general. In the report, Director Clancy states he didn't learn about the matter until a week after the congressional hearing, on the eve of a Washington Post story about the matter. As we have seen, this would have made him a notable exception among the Secret Service's top leaders. But Director Clancy, confronted with this report, is now singing a different tune. He now admits that he heard of a "speculative rumor" the day after the hearing and a week before the Washington Post story. Yet Director Clancy says he considered the rumor "not credible" and "not indicative" of wrongful conduct. That admission alone is a damning and ironic confession of a gross leadership failure.

Let's put this in context. Director Clancy was specifically hired just months earlier to clean up the Secret Service's leadership culture after a string of embarrassing incidents. At the very congressional hearing that started all of this, Director Clancy testified that he was "infuriated" that he hadn't been made aware of the latest security lapse. He further testified that he was "working furiously to try to break down these barriers where people feel they can't talk up the chain."

Despite all that, despite all the problems he was specifically hired to fix, despite hearing rumors that obviously should have triggered immediate investigation, he did nothing for a full week to look into the matter and put a stop to it, which he only did once the story hit the Washington Post.

How could this happen? How could someone hired to change the culture of his agency be so indifferent to potential illegal activity and to such a constitutional affront to the legislature that he did nothing—absolutely nothing—until the press broke the story? To make matters worse, Director Clancy misrepresented all of it to the inspector general until the report was released last Wednesday. If anything remotely like this happened in the Army, commanders would have been relieved of command months ago. The Army holds its leaders responsible for everything their unit does and fails to do, and we should expect no less from the Secret Service leadership.

JASON CHAFFETZ and I served together in the House. He is a tough, smart guy, more than capable of standing up for himself, although I should say this is not a partisan matter. I would feel the same way and give the same speech if Secret Service employees violated the law to intimidate Representative ELIJAH CUMMINGS, chairman CHAFFETZ's Democratic counterpart. Of course, for that matter, how do we know they didn't? But since I am neither in the House any longer nor on the committees that oversee the Secret Service or Homeland Security, why am I so outraged by the Secret Service or Homeland Security? Why am I so outraged by the Secret Service's misconduct in this matter?

First, if Secret Service personnel will violate the law to intimidate and re-

taliante against the chairman of their oversight committee, what might they do to a normal Arkansan, to the little guy who doesn't have Chairman CHAFFETZ's megaphone and position of influence? What might renegade bureaucrats in other agencies do?

Second, these abuses are far more than yet another example of government misconduct; they strike at the heart of our constitutional order. Although troubled by Secret Service lapses like the Colombian prostitute scandal, I haven't spoken out on these matters, believing my peers on the oversight committee could handle them, as they did. This case, though, goes far beyond simple misbehavior, even beyond violations of law. To reiterate, armed agents of a paramilitary law enforcement agency violated the law to intimidate the Congressman charged with oversight of that agency.

The gravity of this scandal hasn't thus far been met with appropriate action from the highest levels of the executive branch. Secretary of Homeland Security Jeh Johnson stated last week that he is "confident U.S. Secret Service Director Joe Clancy will take appropriate action to hold accountable those who violated any laws or policies of this Department." This response is woefully inadequate on multiple counts.

First, when an abuse of power strikes at the heart of our constitutional order, it warrants at a minimum the attention of a Senate-confirmed department Secretary.

Second, Secretary Johnson implies there may be some doubt about whether laws were broken. In fact, the inspector general identified no fewer than 56 instances of blatant illegal activity.

Third, Director Clancy cannot be trusted to handle this matter given what we know now, although, to give Secretary Johnson the benefit of the doubt on this count, he issued this statement before Director Clancy's Friday afternoon admission of misrepresenting the facts to the inspector general.

Responsibility for a constitutional confrontation such as this calls for a Presidential response. Yet President Obama has been silent. His spokesman last week acted as if an apology was enough and implied that it was really just a matter of procedures not being followed—as if there are appropriate procedures for the executive to violate the law to intimidate a Member of the legislature. He even suggested that the response thus far "is a strong indication that there is effective leadership in place at the Secret Service." Effective at what, one must ask?

This indifferent response is far short of what this situation demands. First, Secretary Johnson must take appropriate disciplinary action against all Secret Service personnel involved, including Director Joe Clancy, Deputy Director Craig Magaw, Chief of Staff Michael Biermann, and Assistant Di-

rector Ed Lowery. I invite Secretary Johnson to brief not only me but the entire Congress. Once he makes his decision about appropriate action—for instance, firings, revocation of security clearances, removal from supervisory positions or suspension—he can explain his own reasoning. Congress can then decide whether this discipline is adequate. Most immediately, if it turns out that Director Clancy knowingly misled the inspector general, he should resign or be fired. He was hired to clean up wrongdoing at the Secret Service, not perpetrate it and cover it up.

Second, and independent of workplace discipline, the Attorney General must start a criminal investigation of the Secret Service personnel who unlawfully accessed Congressman CHAFFETZ's personnel file and who disseminated its contents. Criminal violations of the Privacy Act and other statutes must be punished.

The inspector general lacks criminal authority, and it is unclear from his report if he was able to take certain key steps, such as obtaining personal emails and phone records. Further, Secret Service officials sat in many of the interviews the inspector general conducted, raising genuine questions about improper influence in the process. What is needed is a vigorous and disinterested criminal investigation by a single Federal prosecutor at the Justice Department.

Senators often make requests for action from the executive branch, which are almost as often ignored. Let me say for the record that these aren't requests; these are demands. They are quite modest demands, given these most serious constitutional stakes. Take and explain appropriate disciplinary action and start a criminal investigation.

Until then, I will be compelled to act by exercising our constitutional authority over executive branch nominations. Every officer of the United States, from the President to the newest clerk, must understand that Congress will fend off this kind of executive encroachment and there will be severe consequences for attempting to intimidate the people's elected representatives or obstructing us from doing our jobs.

I am not yet at the point of calling for a total blockade on all executive branch nominations, although I may reach that point. Right before this speech, though, I did register an objection to three prominent political nominations and there will be more to follow if the executive branch doesn't act swiftly. None of these are nominees to the Department of Homeland Security, partly because the Department has no pending nominees but mostly because this is a constitutional question, not a parochial matter about a single department.

I take this step reluctantly and with no particular quarrel with these three nominations or future ones to which I might be compelled to object. I do not

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