

LEGISLATIVE SESSION

MORNING BUSINESS

I would like to have a moment when we say that we will not ever have shut-downs again and we debate the issues that need to be debated in the time they need to be debated so that we don't dump one-half trillion dollars in new debt on our kids and go home for Christmas.

Let's get some things resolved. Let's solve the issues, and then let's spend some time with our families. I think the entire country needs to take a deep breath from the anger and bitterness and divisiveness. There needs to be a little peace on Earth and some good will toward men.

I yield the floor.

EXECUTIVE CALENDAR

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 551 and all nominations on the secretary's desk in the Air Force and Army; that the nominations be confirmed; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

TO BE LIEUTENANT GENERAL

Maj Gen. Douglas M. Gabram

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1117 AIR FORCE nominations (130) beginning ANNA M. ADKINS, and ending MARY E. ZANDER, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 2019.

IN THE ARMY

PN1260 ARMY nomination of Zachary B. Ciccolo, which was received by the Senate and appeared in the Congressional Record of October 30, 2019.

PN1289 ARMY nomination of Andrew J. Oliver, which was received by the Senate and appeared in the Congressional Record of November 19, 2019.

PN1290 ARMY nomination of Marjorie A. Kuipers, which was received by the Senate and appeared in the Congressional Record of November 19, 2019.

PN1291 ARMY nomination of Yuandre G. Dieujuste, which was received by the Senate and appeared in the Congressional Record of November 19, 2019.

PN1293 ARMY nomination of Thomas E. Axtell, which was received by the Senate and appeared in the Congressional Record of November 19, 2019.

PN1294 ARMY nomination of D014331, which was received by the Senate and appeared in the Congressional Record of November 19, 2019.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

DEBBIE SMITH ACT OF 2019

Mr. GRASSLEY. Mr. President, I am delighted that we last week reached a compromise enabling Congress to send another 5-year reauthorization of the Debbie Smith Act to the President's desk this week. Both Chambers' adoption of that compromise, which passed the Senate by voice vote last night, with my support, signals Congress's continued support for the DNA Backlog and Capacity Enhancement Program.

Earlier this year, I called for reforms to the grant program that the Debbie Smith Act established. These reforms, suggested this year by the Government Accountability Office, would require both that the Justice Department articulate measurable, program-wide goals and that the National Institute of Justice take additional steps to prevent lobbying-related conflicts of interest. They would not resolve every issue with this grant program, but I believe the implementation of such reforms would substantially strengthen the program. I also advocated for reforms, which are included in the final legislation, that ensure the analysis of untested DNA in sexual assault cases is accorded higher priority under this program.

As mentioned earlier this week, I have called on the Attorney General to implement several of my proposed reforms through administrative action. I thank the Attorney General for committing to do so, in the attached letter dated December 11, 2019. My letter to the Attorney General on this subject, dated December 9, 2019, also is attached, and I ask unanimous consent that both letters be printed in the CONGRESSIONAL RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, December 11, 2019.

Hon. CHARLES E. GRASSLEY,
Chairman, Senate Committee on Finance,
U.S. Senate, Washington, DC.

Hon. JOHN CORNYN,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY AND SENATOR CORNYN: This responds to your letter to the Attorney General dated December 9, 2019, regarding the DNA Capacity Enhancement for Backlog Reduction (CEBR) Program. We write to assure you that the Department of Justice places a high priority on the Government Accountability Office's (GAO) reports and recommendations. The recommendations from the 2019 GAO report regarding the

CEBR program are being addressed by the Office of Justice Programs, and specifically, by the National Institute of Justice (NIJ).

In particular, NIJ concurs with the recommendations in the 2019 GAO report regarding performance measures. To create and implement appropriate and meaningful performance measures NIJ has: conducted an in-depth analysis of currently available program performance data to identify information gaps; made corresponding modifications to program performance measures to address these gaps; aligned its performance measures with consistently articulated program goals and permitted program activities; clearly delineated between measures intended to capture the state of DNA backlog and laboratory throughout, and those measures intended to gauge grant program impact; made clarifications to promote consistency in grant recipient data reporting; augmented its measures to efficiently capture the level of DNA funding used for outsourcing DNA sample analysis (which accounted for approximately only 10 percent of program costs for FY 2015 award recipients).

Consistent with the recommendations in the GAO report, NIJ will communicate enhancements to DNA CEBR program measures starting in calendar year 2020 and continuing through 2020. This will occur in advance of updated performance measures that will appear in the FY 2021 DNA CEBR Program solicitation. Grant recipients will be required to report against the specific articulated updated measures thereafter.

The 2019 GAO report expressed concern regarding lobbying disclosure certifications and a lack of controls to follow-up with grantees to help ensure they are meeting statutory requirements. As of February 2, 2019, all entities registering for federal awards in the System for Award Management (SAM.gov) are required to review the Financial Assistance Representations and Certifications required by statutes or regulations in accordance with guidance under Title 2 of the Code of Federal Regulations. SAM.gov registration question 8.L. references compliance with the Lobbying Disclosure Act of 1995, 2 U.S.C. 1601 et seq. Under this question, the registrant must attest as follows:

I have read each of the certifications and representations presented on this page. By submitting this certification, I, <VENDOR>, am attesting to the accuracy of the certification and representations contained herein. I understand that I may be subject to criminal prosecution under Section 1001, Title 18 of the United States Code or civil liability under the False Claims Act if I misrepresent <VENDOR> by providing false, fictitious, or fraudulent information to the U.S. Government.

In addition, OJP plans to send annual reminders to all OJP vendors with open active awards reminding them of the disclosure requirements under the Lobbying Disclosure Act along with instructions on how to submit the disclosures.

Finally, regarding GAO's concerns regarding controls for conflict of interest and lobbying, OJP has historically followed Justice Management Division procedures. However, OJP did not have these procedures reduced to writing, as acknowledged by GAO. OJP has memorialized the procedures in writing, which the Principal Deputy Assistant Attorney General has approved. The procedures are in process for implementation.

It is OJP's intent, as evidenced by the work already completed and the plan moving forward, to comply with the 2019 GAO report. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.