

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.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

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 throughput, 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.

Sincerely,

STEPHEN E. BOYD,  
Assistant Attorney General.

Hon. WILLIAM P. BARR,  
Attorney General, U.S. Department of Justice,  
Washington, DC.

DEAR ATTORNEY GENERAL BARR: We are writing to urge your immediate adoption of a government watchdog agency's recommendations respecting a U.S. Department of Justice (DOJ) grant program that makes resources available for criminal laboratories across the country to process DNA evidence collected from crime scenes and criminal offenders. We also request that you commit to implement specific and measurable goals for this program, known as the "DNA Capacity Enhancement and Backlog Reduction Program" (CEBR), by the end of the year.

The Government Accountability Office (GAO) repeatedly has faulted DOJ's Office of Justice Programs (OJP) and National Institute of Justice (NIJ) for neglecting to articulate, in clear, specific, and measurable terms, program-wide goals for this formula grants program, originally authorized by Congress under the Debbie Smith Act. The CEBR program, which has received roughly \$1.5 billion in congressional appropriations since its inception 15 years ago, has been the subject of two critical GAO reports, one in 2013 and another this year.

As stated by GAO in a 2019 report on this subject:

"[T]he Office of Justice Programs (OJP)—the primary grant-making arm of the Department of Justice—has not consistently documented program-wide goals for its DNA Capacity Enhancement and Backlog Reduction grant program (CEBR). For instance, OJP has documented different meanings of "capacity enhancement." Additionally, CEBR performance measures do not fully reflect selected attributes of successful performance measures, such as having measurable targets. These issues hinder OJP's ability to assess program results."

This is not a new concern: GAO reported a half dozen years ago that DOJ was not doing enough to assess the results of the CEBR program. As stated in a 2013 report by the Comptroller General: "NIJ has a process in place to determine DNA and forensic program funding priorities, but its decisions regarding these priorities are not clearly documented." GAO noted that NIJ was unable to articulate its rationale for how funding priorities are determined, and "[w]ithout a clearly documented process that demonstrates the rationale for NIJ's funding priorities, there is limited transparency regarding how and why the agency is allocating its funding." In 2018, a GAO spokesperson testified before the Senate Judiciary Committee that we lack the tools necessary to assess whether the CEBR program is working:

Concerns regarding the process for identifying lobbying-related conflicts of interest were reported by the Comptroller General in the 2019 report on the CEBR program. This 2019 report states that "OJP has not properly designed all controls related to selected requirements for conflicts of interest and lobbying." Because DOJ's Office of Inspector General also identified conflicts of interest with NIJ grant programs as early as 2009, it is imperative that the Office of Justice Programs immediately establish all appropriate controls necessary to eliminate such conflicts, as recommended by the Government Accountability Office in the report entitled, "DNA Evidence: DOJ Should Improve Performance Measurement and Properly Design controls for Nationwide Grant Program" (GAO-19-216).

We also request that you give your commitment, prior to the end of this calendar

year, to implement three steps, based on the 2019 and 2013 recommendations of the Comptroller General. Specifically, we ask that you commit that OJP will:

Define CEBR program-wide goals in clear, specific, and measurable terms by no later than June 30, 2019.

Consistently document these measurable goals for the CEBR program and use performance measures that fully reflect the recommendations made by GAO in its report entitled, "DNA Evidence: DOJ Should Improve Performance Measurement and Properly Design controls for Nationwide Grant Program" (GAO-19-216).

Describe any actions taken, including steps to eliminate conflicts of interest to improve the CEBR program based on the 2019 recommendations of the Comptroller General.

We look forward to hearing your response no later than December 20, 2019. If you have any questions, please contact Evelyn Fortier of Senator Grassley's staff or Franci Rooney of Senator Cornyn's staff. Thank you in advance for your cooperation.

Sincerely,

CHARLES E. GRASSLEY,  
Chairman.  
JOHN CORNYN,  
U.S. Senator.

#### RECOGNIZING THE JESSE WHITE TUMBLERS

Mr. DURBIN. Mr. President, every year, 250 Chicago kids form 8 teams to perform 1,500 shows of acrobatic wonder at major sporting events, community businesses, and charities. They are called the Jesse White Tumblers, and for 60 years the troupe has delighted audiences in Illinois and across the world, including Hong Kong, Israel, and Croatia. Since 1959, more than 18,000 youths have put in the hard work and performed in the Jesse White Tumblers. Today, we congratulate this well-loved Chicago institution on its 60th anniversary.

Jesse White, the man whom the troupe is named after, is the 37th secretary of State for Illinois. He is the first African American to win statewide office in Illinois, and he has held the office longer than anyone else. I am honored to count him as a friend.

Just like the Tumblers, Jesse was an outstanding athlete and student growing up. He attended Waller High School in Chicago, earning All-City honors in basketball and baseball. He hoped to play professional baseball after graduating, but his father insisted on him going to college first. He went to Alabama State College, majoring in physical education. He was All-Conference in baseball and basketball. When he graduated, Jesse signed with the Chicago Cubs. Four days before leaving for spring training, the U.S. Army drafted him, assigning him to the 101st Airborne Division. In 1959, Jesse returned to Chicago and played third base in the Cubs minor league system.

During the off-season, Jesse taught physical education at his alma mater, Schiller Elementary School, and in the Chicago Park District. In December 1959, the Chicago Park District asked Jesse to create a gym show for the

Rockwell Garden Fieldhouse. The show he developed became the foundation for the Jesse White Tumblers.

Jesse White has served the people of Illinois throughout his career, along with being secretary of State for Illinois. He was the recorder of deeds of Cook County from 1992 to 1999, a legislator in the Illinois General Assembly for 16 years, and a public school teacher for 33 years. But his favorite role may still be coach of the Jesse White Tumblers.

Children between the ages of 6 and 20 can find a second family in the Jesse White Tumblers. Becoming a Tumbler is not an easy task. Thousands of young people apply every year, and few make it. In addition to athletic achievement, members must stay in school, maintain a C average, and stay away from drugs and alcohol. For the hard work, members get the thrill of performing and develop confidence, structure, and discipline. The program also helps with homework, study skills, and can provide financial support through scholarships. The Jesse White Tumblers have changed the lives of generations of young people.

The Jesse White Tumblers have earned their reputation as a legend in the State of Illinois. Here is to many more years of success.

#### RECOGNIZING AGRI-MARK CABOT CREAMERY CO-OPERATIVE

Mr. LEAHY. Mr. President, this year marks the 100th anniversary of one of Vermont's most nationally recognized businesses, Agri-Mark Cabot Creamery Co-operative. Founded as a small butter plant in Cabot, VT, with principles of producing high-quality dairy products and supporting farmers and communities, Cabot has grown to be a leader in the dairy industry, raising the bar for excellence across the country. The founders of Cabot prided themselves on quality products and doing things the right way. Cabot began with just 94 members that collectively owned 800 cows. Today, Cabot has expanded to include over 800 farm families, never losing sight of their core values of exceptional quality, safety, and community cooperation. These tenants have been upheld by their members repeatedly throughout the last century.

The farm families of Cabot Creamery Co-operative continue to be innovators, pioneers of sustainability, and dedicated stewards to their land and animals. Their products consistently prove to be the cream of the crop, winning many awards, and rightfully earning the title of "World's Best Cheddar." For decades, they have been earning top marks around the country and world, from respected competitions like the U.S. Championship Cheese Contest, the American Cheese Society, and even the World Championship Cheese Contest. The recognition is well deserved after a century of hard work, dedication, and commitment shown by generations of farmers across New England and New York.