



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 116<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 166

WASHINGTON, FRIDAY, JANUARY 3, 2020

No. 1

## Senate

The Senate met at 12 noon and was called to order by the Honorable PAT ROBERTS, a Senator from the State of Kansas.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Father of all, in a world where each new day seems to bring the chaotic and unexpected, we praise You that You are the same yesterday, today, and forever. Lord, You are our help in ages past. You are our hope for years to come. Give us this day wisdom to know Your words and obey Your precepts. May we show our gratitude with obedience because You have demonstrated Your might, wisdom, and love throughout the days of our earthly pilgrimage.

As our lawmakers follow Your lead, may they trust You to carve tunnels of hope through mountains of despair. Give our Senators the courage to embrace integrity with a clear conscience. May they not retreat from life's battles but faithfully keep their hands in Yours.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. GRASSLEY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 3, 2020.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAT ROBERTS, a Senator from the State of Kansas, to perform the duties of the Chair.

CHUCK GRASSLEY,  
President pro tempore.

Mr. ROBERTS thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Senate majority leader is recognized.

### IRAQ

Mr. MCCONNELL. Mr. President, this morning, Iran's master terrorist is dead. The architect and chief engineer of the world's most active state sponsor of terrorism has been removed from the battlefield at the hand of the U.S. military. No man alive was more directly responsible for the deaths of more American servicemembers than Qasem Soleimani, the leader of the Quds Force within Iran's Islamic Revolutionary Guard Corps.

Soleimani's schemes and his agents killed hundreds of American servicemembers in Iraq and Afghanistan. He personally oversaw the state-sponsored terrorism that Iran used to kill our sons and daughters. As we have seen in recent days and weeks, he and his terrorists posed an ongoing and growing threat to American lives and American interests.

Soleimani made it his life's work to take the Iranian revolutionary calls for "Death to America" and "Death to Israel" and turn them into action, but this terrorist mastermind was not just a threat to the United States and Israel. For more than a decade he mas-

terminded Iran's malevolent and destabilizing work throughout the entire Middle East. He created, sustained, and directed terrorist proxies everywhere from Yemen to Iraq, to Syria, to Lebanon. Innocents were killed. These sovereign countries were destabilized.

In Syria this leading terrorist and his agents acted as strategists, enablers, and accomplices to Bashar al-Assad's brutal repression and the slaughter of the Syrian people.

In Iraq, his violence expanded Iran's influence at the expense of the Iraqis themselves. His dark, sectarian vision disenfranchised countless Sunni Arabs and paved the way for the rise of ISIS.

With ISIS largely defeated, Soleimani and his agents again turned their sights on controlling the Iraqi people, who through massive protests are rejecting not only a corrupt government but also Iran's influence over that government. Once again, there were Iran and its proxies facilitating violence against these peaceful protesters.

For too long this evil man operated without constraint, and countless innocents have suffered for it. Now his terrorist leadership has been ended.

Predictably enough, in this political environment, the operation that led to Soleimani's death may prove controversial or divisive. Although I anticipate and welcome a debate about America's interests and foreign policy in the Middle East, I recommend that all Senators wait to review the facts and hear from the administration before passing much public judgment on this operation and its potential consequences.

The administration will be briefing staff today on the situation in Iraq. We are working to arrange a classified briefing for all Senators early next week.

For my part, I have spoken to the Secretary of Defense, and I am encouraged by the steps the U.S. military is taking to defend American personnel

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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and interests from a growing Iranian threat. I know I speak for the entire Senate when I say that my prayers are with all American diplomats, personnel, and brave servicemembers serving in Iraq and in the Middle East. I am grateful for their courageous service to protect our country.

Right from the outset of this new year, it is already clear that 2020 will require the Senate and our whole Nation to redouble our resolve to keep America safe in this troubled world.

#### IMPEACHMENT

Mr. MCCONNELL. Mr. President, on an entirely different matter, of course, we also anticipate that another totally different, very serious item will be heading the Senate's way soon. The Senate will have to address some of the deepest institutional questions contemplated by our Constitution. We will have to decide whether we are going to safeguard core governing traditions or let short-term partisan rage overcome them.

Back in December, I explained how House Democrats' sprint into the most rushed, least fair and least thorough impeachment inquiry in American history has jeopardized the foundations of our system of government.

Last spring, Speaker PELOSI told the country: "Impeachment is so divisive to the country that unless there's something so compelling and overwhelming and bipartisan, I don't think we should go down that path." That was the Speaker less than a year ago.

Back in 1998, when Democrats were busy defending President Clinton, Congressman JERRY NADLER said:

There must never be a narrowly-voted impeachment, or an impeachment substantially supported by one of our major political parties and largely opposed by the other. Such an impeachment would lack legitimacy.

Congressman JERRY NADLER said this 20 years ago. That was, obviously, the standard when a Democrat was in the White House, but, ultimately, House Democrats cared more about attacking President Trump than keeping their promises. So they rushed through a slapdash investigation. They decided not to bother with the standard legal processes for pursuing witnesses and evidence. There was not enough time to do that.

Chairman ADAM SCHIFF told the entire country on national television that getting court decisions takes a long time and he did not want to wait. It takes a long time to go to court. So they just plowed ahead—plowed right ahead with a historically weak case—and impeached a duly elected President with votes from just one—just one—political party.

Democrats have let Trump derangement syndrome develop into the kind of dangerous partisan fever that our Founding Fathers were afraid of.

Just before the holidays, this sad spectacle took another unusual turn.

As soon as the partisan impeachment votes had finished, the prosecutors began to develop cold feet. Instead of sending the articles to the Senate, they flinched. They flinched.

That is right. The same people who had just spent weeks screaming that impeachment was so serious and so urgent that it couldn't wait for due process now decided that it could wait indefinitely while they checked the political winds and looked for new talking points.

This is yet another situation where House Democrats have blown right past the specific warnings of our Founding Fathers.

Alexander Hamilton specifically warned about the dangers of a "procrastinated determination of the charges" in an impeachment. He explained it would not be fair to the accused and it would be dangerous for the country. Speaker PELOSI apparently does not care. Her conference is behaving exactly like the "intemperate or designing majority in the House of Representatives" that Hamilton warned might abuse the impeachment power.

So as House Democrats continue their political delay, they are searching desperately for some new talking points to help them deflect blame for what they have done. We have heard it claimed that the same House Democrats who botched their own process should get to reach over into the Senate and dictate our process.

We have heard claims that it is a problem that I have discussed trial mechanics with the White House, even as my counterpart, the Democratic leader is openly coordinating political strategy with the Speaker, who some might call the prosecution.

So it is OK to have consultation with the prosecution, but not, apparently, with the defendant.

We have heard claims that any Senators who formed opinions about House Democrats' irresponsible and unprecedented actions as they played out in the view of the entire Nation should be disqualified from the next phase. Obviously, this is nonsense—nonsense.

Let me clarify Senate rules and Senate history for those who may be confused.

First, about this fantasy that the Speaker of the House will get to hand-design the trial proceedings in the Senate, that is, obviously, a nonstarter.

What I have consistently said is very simple. The structure for this impeachment trial should track with the structure of the Clinton trial. We have a precedent here. That means two phases.

First, back in 1999, the Senate passed a unanimous bipartisan resolution, 100 to nothing, that set up the initial logistics, such as briefs, opening arguments, and Senators' questions.

It stayed silent on midtrial questions, such as witnesses, until the trial was actually underway. That was approved 100 to 0.

Somewhat predictably, things started to diverge along party lines when we considered those later procedural questions, but the initial resolution laying out the first half of the trial was approved 100 to 0.

I believe we should simply repeat that unanimous bipartisan precedent at this time as well. That is my position. President Trump should get the same treatment that every single Senator thought was fair for President Clinton. Just like 20 years ago, we should address midtrial questions, such as witnesses, after briefs, opening arguments, Senator questions, and other relevant motions. Fair is fair.

Let's discuss these lectures about how Senators should do our jobs. The oath that Senators take in impeachment trials to "do impartial justice according to the Constitution and laws" has never meant that Senators should wall themselves off from the biggest news stories of the Nation and completely ignore what the House has been doing. The oath has never meant that Senators check all of their political judgment at the door and strip away all of our independent judgment about what is best for the Nation. It has never meant that, and it never could.

The Framers debated whether to give the power to try impeachments to a court or to the Senate and decided on the Senate precisely because impeachment is not a narrow legal question—impeachment is not a narrow legal question—but a deeply political one as well. Hamilton said this explicitly in *Federalist 65*.

Impeachment requires the Senate to address both legal questions about what has been proved and political questions about what the common good of our Nation requires.

Senators do not cease to be Senators just because the House sends us Articles of Impeachment. Our job remains the same—to represent our States, our constituents, and our Nation's best interests in the great matters of our time. That is our obligation whether we are voting on legislation, nominations, or the verdict in an impeachment.

Twenty years ago, I would add, Democrats understood all of this very well. President Clinton had obviously committed an actual felony. President Clinton had actually committed a felony. If Democrats actually believed in the narrow sense of impartiality they have now adopted as a talking point, then every single one of them would have voted to remove President Clinton from office. Oh, no. Instead, a majority of the Senate decided that removing President Clinton, despite his proven and actual crimes, would not best serve the Nation. They made a political judgment. By the way, back then, leading Democrats had zero—zero—objections to Senators speaking out before the trial.

The current Democratic leader, Senator SCHUMER, was running for the Senate during the House impeachment

process back in 1998. He voted against the articles both in the House Judiciary Committee and on the House floor. Listen to this, a major part of his Senate campaign that year was literally promising New Yorkers in advance—in advance—that he would vote to acquit President Clinton.

People asked if it was appropriate for him to prejudice like that. He dismissed the question, saying: “This is not a criminal trial but . . . something the founding fathers decided to put in a body that was susceptible to the whims of politics.” That was the Democratic leader in the 1998 Senate campaign that. That was the newly sworn-in Senator SCHUMER in 1999.

A few weeks later, during the trial itself, Democratic Senator Tom Harkin successfully objected to the use of the word “jurors” to describe Senators because the analogy to a narrow legal proceeding was so inappropriate, according to Senator Harkin.

I respect our friends across the aisle, but it appears that one symptom of Trump derangement syndrome is also a bad case of amnesia—a bad case of amnesia.

No Member of this body needs condescending lectures on fairness from House Democrats who just rushed through the most unfair impeachment in modern history or lectures on impartiality from Senators who happily prejudged the case with President Clinton and simply changed their standards to suit the political winds.

Anyone who knows American history or understands the Constitution knows that a Senator’s role in an impeachment trial is nothing—nothing like the job of jurors in the legal system. The very things that make the Senate the right forum to settle impeachments would disqualify all of us in an ordinary trial. All of us would be disqualified in an ordinary trial.

Like many Americans, Senators have paid great attention to the facts and the arguments that House Democrats have rolled out publicly before the Nation. Many of us personally know the parties on both sides.

This is a political body. We do not stand apart from the issues of the day. It is our job to be deeply engaged in those issues, but—and this is critical—the Senate is unique by design.

The Framers built the Senate to provide a check against short-termism, the runaway passions, and “the demon faction” that Hamilton warned would “extend his sceptre” over the House of Representatives “at certain seasons.”

We exist because the Founders wanted an institution that could stop momentary hysterias and partisan passions from damaging our Republic, an institution that could be thoughtful, be sober, and take the long view.

That is why the Constitution puts the impeachment trial in this place, not because Senators should pretend they are uninformed, unopinionated, or disinterested in the long-term political questions that an impeachment of the

President poses but precisely because we are informed; we are opinionated opinion; and we can take up these weighty questions. That is the meaning of the oath we take. That is the task that lies before us.

“Impartial justice” means making up our minds on the right basis. It means putting aside purely reflective partisanship and putting aside personal relationships and animosities. It means coolly considering the facts that the House has presented and then rendering the verdict we believe is best for our States, our Constitution, and our way of life. It means seeing clearly not what some might wish the House of Representatives had proven but what they actually have or have not proven. It means looking past a single news cycle to see how overturning an election would reverberate for generations.

You better believe Senators have started forming opinions about these critical questions over the last weeks or months. We sure have, especially in light of the precedent-breaking theatrics that House Democrats chose to engage in.

Here is where we are. Their turn is over. They have done enough damage. It is the Senate’s turn now to render sober judgment as the Framers envisioned, but we can’t hold a trial without the articles. The Senate’s own rules don’t provide for that. So, for now, we are content to continue the ordinary business of the Senate while House Democrats continue to flounder—for now.

If they ever muster the courage to stand behind their slapdash work product and transmit their articles to the Senate, it will then be time for the U.S. Senate to fulfill our founding purpose.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The majority leader.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 555.

The ACTING PRESIDENT pro tempore. The question is on the motion.

The motion was agreed to.

The clerk will read the nomination.

The senior assistant legislative clerk read the nomination of Jovita

Carranza, of Illinois, to be Administrator of the Small Business Administration.

#### CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The ACTING PRESIDING pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Jovita Carranza, of Illinois, to be Administrator of the Small Business Administration.

Mitch McConnell, John Boozman, Joni Ernst, Kevin Cramer, David Perdue, Steve Daines, Thom Tillis, Roger F. Wicker, James E. Risch, Cindy Hyde-Smith, Lisa Murkowski, Pat Roberts, Richard C. Shelby, Deb Fischer, James Lankford, Chuck Grassley, Mike Rounds.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MEASURE PLACED ON THE CALENDAR—S. 3148

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 3148) to amend the Controlled Substances Act to list fentanyl-related substances as schedule I controlled substances.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The ACTING PRESIDENT pro tempore. An objection being heard, the bill will be placed on the calendar on the next legislative day.

#### LETTER OF RESIGNATION

Mr. MCCONNELL. Mr. President, I understand the Chair received a letter of resignation of the former Senator

Johnny Isakson of Georgia, which was effective at 5 p.m. on Tuesday, December 31, 2019.

The ACTING PRESIDENT pro tempore. The distinguished leader is correct.

Mr. McCONNELL. I ask unanimous consent that the letter be spread upon the Journal and printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The letter follows:

UNITED STATES SENATE,

Washington, DC, December 19, 2019.

Hon. BRIAN KEMP, Governor,  
State of Georgia,  
Atlanta, Georgia.

DEAR GOVERNOR KEMP: It has been the honor and privilege of a lifetime to serve the state of Georgia in the U.S. Senate since 2005. As you know, I have been battling health challenges for several years, and after much prayer and consultation with my family and doctors, I have decided I will leave the Senate before the end of my term.

I therefore am notifying you that I am resigning my U.S. Senate seat effective at 5 p.m. on December 31, 2019. While it pains me greatly to leave in the middle of my term, I know it is the right thing to do for the citizens of Georgia.

I pledge to you that my staff and I will do everything we can to help whomever you appoint to serve in this seat.

Thank you for your service to our great state.

Sincerely,

JOHNNY ISAKSON.

#### ORDERS FOR MONDAY, JANUARY 6, 2020

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, January 6; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Carranza nomination; finally, that the cloture motion filed during today's session ripen at 5:30 p.m., Monday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### IMPEACHMENT

Mr. SCHUMER. Mr. President, I just heard Leader McCONNELL speak for 30

minutes on the subject of the President's impeachment. There was a lot of finger-pointing, name-calling, and misreading of history but not a single argument or discussion about the issue that is holding up the Senate trial: whether there will be witnesses and documents—not one mention. He has no good argument against having witnesses and documents, so he resorts to these subterfuges.

I will have more to say on impeachment momentarily, but I first want to address the issue of Iran.

#### IRAN

Mr. SCHUMER. Mr. President, last night, the United States conducted a military operation designed to kill Major General Qasem Soleimani, a notorious terrorist. No one should shed a tear over his death. The operation against Soleimani in Iraq was conducted, however, without specific authorization and any advance notification or consultation with Congress.

I am a member of the Gang of 8, which is typically briefed in advance of operations of this level of significance. We were not. The need for advance consultation and transparency with Congress was put in the Constitution for a reason—because the lack of advance consultation and transparency with Congress can lead to hasty and ill-considered decisions. When the security of the Nation is at stake, decisions must not be made in a vacuum. The Framers of the Constitution gave war powers to the legislature and made the executive the Commander in Chief for the precise reason of forcing the two branches of government to consult with one another when it came to matters of war and peace.

It is paramount for an administration to get an outside view to prevent groupthink and rash action and to be asked probing questions, not from your inner and often insulated circle but from others—particularly Congress—which forces an administration, before it acts, to answer very serious questions. The administration did not consult in this case, and I fear that those very serious questions have not been answered and may not be fully considered.

Among those questions: What was the legal basis for conducting this operation? How far does that legal basis extend? Iran has many dangerous surrogates in the region and a whole range of possible responses. Which responses do we expect? Which are most likely? Do we have plans to counter all of the possible responses? How effective will our counters be? What does this action mean for the long-term stability of Iraq and the trillions of dollars and thousands of American lives sacrificed there? How does the administration plan to manage an escalation of hostilities? How does the administration plan to avoid larger and potentially endless conflagration in the Middle East? These are questions that must be answered.

It is my view that the President does not have the authority for a war with Iran. If he plans a large increase in troops and potential hostility over a longer time, the administration will require congressional approval and the approval of the American people.

The President's decision may add to an already dangerous and difficult situation in the Middle East. The risk of a much longer military engagement in the Middle East is acute and immediate. This action may well have brought our Nation closer to another endless war—exactly the kind of endless war the President promised he would not drag us into.

As our citizens and those of our allies evacuate Iraq and troops prepare for retaliatory action, Congress needs answers to these questions and others from the administration immediately, and the American people need answers as well.

#### IMPEACHMENT

Mr. SCHUMER. Mr. President, the Senate begins this new session of Congress preparing to do something that has happened only twice before in American history: serving as a court of impeachment in a trial of the President of the United States.

President Donald Trump stands accused by the House of Representatives of committing one of the offenses the Founding Fathers most feared when it came to the stability of the Republic: abusing the powers of his office for personal gain and soliciting the interference of a foreign power in our elections to benefit himself. The House has also charged the President with obstructing Congress in the investigation into those matters, the consequence of an unprecedented blockade of relevant witnesses and documents—flatly denying the legislative branch's constitutional authority to provide oversight of the Executive.

As all eyes turn to the Senate, the question before us is, Will we fulfill our duty to conduct a fair impeachment trial of the President of the United States or will we not? That is the most pressing question facing the Senate at the outset of this second session of the 116th Congress. Will we conduct a fair trial that examines all the facts or not?

The country just saw Senator McCONNELL's answer to that question. His answer is no. Instead of trying to find the truth, he is still using the same feeble talking points he was using last December. The country just saw how the Republican leader views his responsibility at this pivotal moment in our Nation's history. The Republican leader prefers finger-pointing and name-calling to avoid answering the looming question: Why shouldn't the Senate call witnesses? The Republican leader hasn't given one good reason why there shouldn't be relevant witnesses or relevant documents. We did not hear one from Leader McCONNELL today or any day.

Once again, Leader MCCONNELL tried to bury his audience under an avalanche of partisan recriminations and misleading references to precedents. There is only one precedent that matters here: that never, never in the history of our country has there been an impeachment trial of the President in which the Senate was denied the ability to hear from witnesses. Let me repeat that. That is the salient fact here. There is only one precedent that matters: There has never, never in the history of our country been an impeachment trial of the President in which the Senate was denied the ability to hear from witnesses. Yet the Republican leader seems intent on violating that precedent and denying critical evidence to this body and to the American people.

Leader MCCONNELL has been clear and vocal that he has no intention to be impartial in this process. Leader MCCONNELL reminds us today and previous days that rather than acting like a judge and a juror, he intends to act as the executioner of a fair trial. Thankfully, the rules of the impeachment trial will be determined by the majority of Senators in this Chamber, not by the Republican leader alone.

The crux of the issue still is whether the Senate will hear testimony from witnesses and receive documentary evidence directly relevant to the charges against the President. Since Congress recessed for the holidays, there have been several events that have significantly bolstered my argument for four specific witnesses and specific categories of documents. Nothing—nothing—in that time has bolstered Leader MCCONNELL's argument that there shouldn't be relevant witnesses or documents.

On December 21, the Center for Public Integrity obtained emails through a Freedom of Information Act request that showed that Michael Duffey, a top OMB official and one of the four witnesses I have requested, asked the Defense Department to "hold off" on sending military aid to Ukraine 91 minutes after President Trump's July phone call with Ukrainian President Zelensky.

On December 29, the New York Times' report included several revelations about the extent of Chief of Staff Mulvaney's involvement in the delayed military assistance; about the efforts by lawyers at OMB, Justice, and the White House to create legal justifications for the delay in assistance; and about the depth of opposition to and indeed alarm about the delay in military assistance from parts of the administration, particularly the Pentagon.

Then, just yesterday, there was a new report about a trove of newly unredacted emails that further exposed the serious concerns raised by Trump administration officials about the propriety and legality of the President's decision to delay military assistance to Ukraine. One of those emails released

yesterday was from Michael Duffey—one of the witnesses we have requested—to the Pentagon comptroller, and it reads: "Clear direction from POTUS [the President] to continue the hold." Clear direction from the President to continue the hold is what Duffey wrote. What constituted "clear direction"? Did Michael Duffey get an order from the President, or did someone like Mr. Mulvaney get an order from the President that was passed on to Mr. Duffey? Were there discussions by administration officials about covering up the reasons for the President directing the delay in military assistance? These are questions that can only be answered by examination of the documentary evidence and by the testimony of key Trump administration officials, under oath, in a Senate trial.

These developments are a devastating blow to Leader MCCONNELL's push to have a trial without the documents and witnesses we have requested. Each new revelation mounts additional pressure on the Members of this Chamber to seek the whole truth. With these new emails, we are getting certain portions of the truth. We need the whole truth.

For example, much of the evidence that was obtained by the recent FOIA requests has been heavily redacted.

Here is an email chain between officials at the Pentagon regarding the Politico article that first revealed that the Trump administration was delaying military assistance to Ukraine. It is completely redacted. Every word crossed out. Not available. Can't be seen.

Here is another email, with the subject line "apportionment," between officials at OMB and the Pentagon, completely redacted. None of the words can be seen at all. We know now that some of these redactions were covered up—but only some of them.

Why did they redact the sections they redacted? Who ordered the redactions? Why are they covering it up? What are they hiding?

These questions must be asked. When you are accused of something, you don't suppress evidence that will exonerate you. The fact that the administration is going to such lengths to prevent such emails from coming out is extraordinarily telling. It seems like they themselves feel they are guilty.

Getting the full documentary record would undoubtedly shed light on the issues at hand. These were senior Trump officials discussing the delay in military assistance to Ukraine, who ordered it, why it was ordered, whether or not it was legal, and how it was connected to the effort to pressure Ukraine into announcing investigations regarding a political rival of the President. And these emails represent just a sliver of the documentary evidence that exists in this case.

There was an exceedingly strong case to call witnesses and request documents before the Senate went out of

session for the Christmas break. In the short time since, that case has gotten stronger and remarkably so.

We are not asking for critics of the President to serve as witnesses in the trial. We are asking only that the President's men, his top advisers, tell their side of the story, and Leader MCCONNELL, once again, has been unable to make one argument—one single argument—as to why these witnesses and these documents should not be part of a trial.

I want to respond to one suggestion by Leader MCCONNELL, that we follow the 1999 example of beginning the impeachment first and then deciding on witnesses and documents at a later date.

First, to hear Leader MCCONNELL say "no witnesses now but maybe some later" is just another indication that he has no argument against witnesses and documents on the merits. Will Leader MCCONNELL commit to witnesses and documents now and discuss timing later?

Second, Leader MCCONNELL's comparisons to 1999 are hopelessly flawed and inaccurate. There were witnesses in 1999, Leader MCCONNELL. You want the precedent of 1999. There were witnesses, as there were in every single impeachment trial of the President in history. It would be a break in precedent for there not to be witnesses.

Third, there was even a greater rationale for witnesses in the Clinton trial. In 1999, the witnesses in question had already testified under oath extensively, and there were also bipartisan concerns about the suitability of the subject matter for the floor of the Senate. There is no analogy to today's situation. The witnesses we have requested never testified under oath, and the documents we have requested have not been produced.

Fourth, we have a tradition in America of a fair and speedy trial. That is why we requested only the relevant information, up front, so that the trial can truly be speedy and fair. It makes no sense and, in fact, it is a ruse to suggest that the Senate wait until the end of the trial to settle the hardest question, when it might take time for witnesses to prepare testimony and for the Senate to review new documentary evidence. We can and should begin that process now and ensure that the trial is informed by the facts and does not suffer unnecessary delays.

Fifth and, finally, when Leader MCCONNELL suggests that we have both sides present their arguments and then deal with witnesses, he is essentially proposing to conduct a whole trial and, then, once the trial is basically over, consider the question of evidence. That makes no sense. That is "Alice in Wonderland" logic. The trial must be informed by the evidence, not the other way around. The House managers should be allowed to present all of the evidence to make their case, not make their case and, then, afterward, ask for evidence we know is out there.

If we don't get a commitment up front that the House managers will be able to call witnesses as part of their case, the Senate will act as little more than a nationally televised meeting of the mock trial club.

If we leave the witness question and documents until after all of the presentations are complete, Leader MCCONNELL will argue that the Senate has heard enough and we shouldn't prolong the trial any longer. At that point, you can be sure he will label anyone who wants to subpoena evidence as a partisan who wants to drag the whole affair out.

I know this because he has already told us what his position will be. This is not a mystery. "After we've heard the arguments," Leader MCCONNELL said on FOX News, "we ought to vote and move on." Does that sound like someone who, in good faith, intends to have the Senate reasonably consider witnesses at a later date? No, it does not.

Leader MCCONNELL's proposal to vote on witnesses and documents later is nothing more than a poorly disguised trap. "After we've heard the arguments," Leader MCCONNELL said, "we ought to vote and move on."

All of my fellow Senators—Democrat and Republican—should take stock of the Leader's words and remember the commitment he made on national television to take his cues from the White House.

I say to the Chair, it may feel like we are no closer to establishing the rules for a Senate trial than when we last met, but the question—the vital question—of whether or not we have a fair trial ultimately rests with a majority of the Senators in this Chamber.

The President faces gravely serious charges—abuse of power, abuse of his public trust, soliciting the interference of a foreign power in our elections, unprecedented obstruction of Congress—and, if convicted, the President faces the most severe punishment our Constitution imagines. The Framers gave us—this Chamber, the U.S. Senate—the sole power to discharge this most difficult and somber duty. Will the Senate rise to the occasion?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I start by thanking Senator SCHUMER, the minority leader, for his pursuit of a fair impeachment trial in the Senate, something supported by the overwhelming majority of the American people, whether they be Republicans, Democrats, or Independents.

The Senate will soon undertake this most serious of its duties—considering the impeachment of a President. None of us relish this moment, but we all have a solemn responsibility under the Constitution to try this case, to assess the evidence, and to render fair judgment.

We will hear a case from the House of Representatives and from the Presi-

dent's lawyers, and we will first be sworn in to do "impartial justice according to the Constitution and laws."

While Senators are primarily expected to listen to the evidence and weigh that evidence, we also have a special ability that most juries do not have: We can request additional information, we can request witnesses, and we can request documents. It only takes a simple majority, 51 Senators, to call witnesses and request those documents. In the two other times in the history of the Senate when we have considered a Presidential impeachment, we have required witnesses to testify directly or give sworn depositions.

In President Clinton's impeachment trial, three witnesses were deposed even though they had all given prior sworn testimony in related proceedings. At that time, now-Majority Leader MCCONNELL called their request for testimony "modest"—a modest request.

Senate Democrats have another modest request that is pending today. We would like to hear from four witnesses who have not testified previously, who did not testify in the House, who have not testified under penalty of perjury, like we saw other House witnesses testify.

Why is that? That is because President Trump has ordered them not to testify. Those four witnesses are White House Acting Chief of Staff Mick Mulvaney, former National Security Advisor John Bolton, and top administration officials Michael Duffey and Robert Blair. We are also asking the Senate to request key documents the President has refused to provide.

We know these are relevant witnesses. We know it even more after the reporting from this week, which has shown that these four witnesses have clear, firsthand knowledge of withholding of congressionally appropriated funds for Ukraine to fight Russian aggression—one of the actions at the center of the House's abuse-of-power charge.

Newly revealed emails, which the Trump administration tried to keep secret, show that just 91 minutes after President Trump had his call with Ukrainian President Zelensky, Mr. Duffey emailed the Department of Defense and their officials to inform them that the administration would formally withhold military assistance for Ukraine. We know that days after the phone call, Mr. Duffey, a political appointee, took over the Ukraine portfolio from a career civil servant at OMB, under the guise of wanting to "learn about the apportionment process."

The administration claims that the reason for the hold was to conduct a review of Ukraine assistance, even though the hold was formally ordered on the same day President Trump personally pressured President Zelensky to investigate Vice President Joe Biden and the 2016 election in order to boost

President Trump's personal political agenda.

There is no evidence that any real review of assistance to Ukraine took place, and none of the emails about the hold on assistance discuss any review actually happening. Instead, we now know that Mr. Duffey tried to keep the hold a secret, known to as few people as possible.

Here is what he wrote in his email informing the Department of Defense about the hold: "Given the sensitive nature of the request, I appreciate your keeping that information closely held to those who need to know to execute the direction."

We also know that OMB would eventually issue nine of what they called footnotes from July to September to delay releasing the congressionally authorized funding for assistance to Ukraine. The emails that have surfaced also reveal that the Defense Department raised concerns that the hold was breaking the law—something the administration has tried to hide.

Congress, many years ago, passed a law called the Impoundment Control Act to address situations like this, where funding is provided in law but the President—whoever the President may be—refuses to spend it. The Impoundment Control Act only allows the executive branch to withhold funding in very limited circumstances. It requires the President to notify Congress when he withholds legally appropriated funding, something President Trump never did when he withheld assistance to Ukraine.

In addition to abusing his power by pressuring Ukraine to interfere in our elections, I think the evidence will also show that President Trump violated the Impoundment Control Act. I have asked the Government Accountability Office to look into this and give us an independent legal opinion. GAO is working on this now, and as part of their review, they asked the Trump administration to explain what happened. In their response, OMB claimed that the Defense Department's general counsel never told OMB that the hold would legally prevent the funds from being spent before they expire at the end of the fiscal year. Thanks to newly revealed emails—in fact, emails that we saw in their unredacted form for the first time yesterday—we know that this was, at best, extremely misleading.

As the hold continued, Defense Department officials repeatedly raised concerns about its legality. In an email sent on August 27, the Defense Department shared a draft letter that they had prepared to send to OMB that included the following sentence about continuing to withhold funding for the Ukraine Security Assistance Initiative, called USAI for short. Here is what they wrote: "As a result, we have repeatedly advised OMB officials that pauses beyond August 19, 2019, jeopardize the Department's ability to obligate . . . [USAI] funding prudently and

fully, consistent with the Impoundment Control Act.’’

Here, we have Defense Department officials directly raising concerns about the hold breaking the law, despite what OMB said to GAO. Here is what we saw earlier. This is one of the redacted emails. This is the draft letter I just referred to that had been prepared for the signature of the Deputy Secretary of Defense. It is addressed to Mr. Vought, the Acting Director over at OMB. When the administration first released the emails in response to a Freedom of Information request—something the administration didn’t want to do but was required by law—they decided to black out this entire email, to redact it.

What we learned yesterday was that this blackout contained the sentences that I just read about the Department of Defense being very, very worried that continued withholding violated the law, violated the Impoundment Control Act. I can’t imagine how, in good faith, the Justice Department or whoever it was in the administration just blacked this out. I am told it was the Attorney General. That is abuse of power to deny that information to the American people and to the Congress, and this appears to be just the tip of the iceberg.

Ultimately, we know that the President’s hold on the Ukraine funds continued until September 12, and the Defense Department was unable to deliver \$35 million of that vitally needed aid to Ukraine before the funds expired at the end of the fiscal year. It was only because Congress later acted by a vote of both Houses of Congress to extend that funding that the Defense Department can now deliver this assistance.

This is why it is all the more important for the Senate to hear testimony from the witnesses under oath, under penalty of perjury, and to review the relevant documents for ourselves. Mr. Mulvaney, Mr. Blair, and Mr. Duffey were all directly involved in carrying out President Trump’s order to withhold Ukraine assistance. Mr. Bolton, according to testimony of Dr. Fiona Hill, raised significant concerns about the hold.

So far as we just heard, the majority leader, Senator McCONNELL, has rejected these reasonable requests for witnesses and documents, despite the fact that they are clearly directly relevant to the impeachment trial. I think people have a very simple question: Why is the President and why is the majority leader so desperate, so scared to provide these documents and prevent these individuals from testifying under penalty of perjury?

It has been deeply disappointing to hear the majority leader say that he is “not an impartial juror” and that he will work in lockstep with the President’s lawyers. He is asking the Senate to allow the defendant in this case, the President of the United States, to set the terms of his own trial. This is not just an affront to our constitutional

duty, it defies justice and common sense.

Make no mistake that those who vote to block the Senate from considering additional evidence from witnesses and documents are going to be complicit in rigging a trial and in a coverup. I would challenge my colleagues to tell me one case where, after you have a grand jury proceeding, the prosecution is not allowed to call witnesses at trial. That would be nuts. For the Senate to deliberately choose to close its eyes and shut its ears to evidence would be a miscarriage of justice and a violation of our constitutional obligations.

I heard the majority leader talk about how the Speaker of the House is holding up sending the Articles of Impeachment. Well, if the majority leader were to just agree to do what we allow in every other trial in the country, which is call relevant witnesses and get relevant documents, we could start this trial tomorrow. It is the refusal of the majority leader to agree to what an overwhelming majority of Americans consider common sense and plain justice that we are experiencing whatever delay we end up experiencing in this case.

The House has presented overwhelming evidence to support its two Articles of Impeachment: abuse of power and obstruction of Congress. The Senate trial is about hearing the case on both sides, including hearing from those who are directly involved before rendering a final verdict. President Trump has said many times he wants to call witnesses. He wants to have a full trial. If he has evidence to rebut the facts established by the House, the Senate needs to hear it, and we should render a final verdict after all the evidence is in and not before.

Some may have heard our Republican colleagues argue that we need to rush to trial to get back to legislative business. First, let’s remember that impeachment is our constitutional responsibility, and we can have a trial that is both speedy and fair.

Second, as we have seen in the House of Representatives, it is possible to conduct robust oversight and legislate at the same time. In fact, the week before the House of Representatives voted on impeachment, they passed a very important bill to reduce the costs of prescription drugs. In fact, the House has passed over 300 bills that Senator McCONNELL has refused to bring up for a vote here in the Senate, including hundreds with bipartisan support.

The House has acted to expand background checks for gun purchases to reduce gun violence, passed legislation to get Big Money out of politics, to strengthen voting rights, to raise the minimum wage for the first time in more than a decade, to protect employee pensions, and to reauthorize the Violence Against Women Act. Senator McCONNELL has not only blocked consideration of these critical measures,

he has boasted about his obstruction, calling himself the “grim reaper.” So let’s not fall for the claim that the majority leader suddenly wants to get to work on these initiatives that are important to the American people. To date, he has made no commitment to take up any of those bills, whether or not there is an impeachment trial.

As the Senate discharges its constitutional duties, whether by conducting an impeachment trial or passing legislation, it should never be an instrument of a President, regardless of party. We should not be a rubberstamp. We should never outsource our judgment or our votes to any White House. We serve the American people and must render justice fairly and honorably at this critical time in our history.

#### IRAN

Mr. VAN HOLLEN. Speaking of critical moments, I do want to say a word about the rapidly escalating conflict with Iran.

General Soleimani was a violent man who died a violent death, but the question facing us is not whether the target of the attack was a good or bad man. The question is what will be the consequence of this action taken by the United States, and more broadly, what is President Trump’s strategy for moving forward to advance U.S. national interests in the region and in the safety of Americans?

President Trump came into office saying he wanted to end America’s wars in the Middle East, but today, we are closer to war with Iran than ever before. The administration’s reckless policy over the last 3 years has brought us to this brink. Make no mistake, from day one, President Trump and ideologues within his administration have escalated tensions with Iran without a strategy. They launched their deliberate, “maximum pressure campaign” without any realistic goals. Can anyone tell us today what President Trump’s endgame is with respect to Iran?

Everything we have seen over the last 3 years has demonstrated that this President is not capable of thinking beyond the first move in a chess game and has been surrounded by ideological sycophants, not regional or national security experts. They are people who are here to please his whims and have no capacity for the sophisticated conflict escalation management that will now be required more than ever to avoid an all-out war with Iran. It is a war that would harm our country in ways we cannot imagine strategically, economically, and in loss of life.

The stated goal of the action taken was to “protect American lives,” but Americans throughout the region are at greater risk today than they were yesterday. That is why our embassy in Iraq advised Americans to leave quickly. Our embassies and personnel across the region are now in even more danger, not just in Baghdad, but elsewhere

in the area and, in fact, around the world. American troops have become even bigger targets. What about the American humanitarian organizations and their personnel abroad, American students, and American tourists? They are all at greater risk as a result of the action taken.

Secretary Pompeo's call today for de-escalation after the assassination is a pipe dream. What we do know—and no one should be surprised—is that Iran has stated that the assassination of the general is tantamount to a declaration of war and they will strike back at a place and time of their choosing. We know with certainty that a response will come and that Iran and its allies have the ability to act against Americans and American interests across the region.

Moreover, the assassination will likely lead to a decline in American influence in Iraq and, as a result, even greater Iranian power and influence in that country. Our ally, the Iraqi Government, has already stated that the attack on its soil violated its sovereignty. Prime Minister Mahdi called for an extraordinary session of the Iraqi Parliament to safeguard Iraq's sovereignty, calling the strike "a dangerous escalation that will light the fuse of a destructive war in Iraq, the region, and the world."

Iraq's President, Barham Salih, also condemned the strikes. Here is the Reuters' piece: "Iraq president condemns U.S. strike, urges restraint."

These are our allies in the Iraqi Government who are condemning these actions and saying that they will lead to a spiral toward war, and these statements came just days after the Iraqi Prime Minister and the President had made similar warnings about prior American actions in Iraq. This is already intensifying calls within Iraq to expel U.S. forces. Who do we think is going to fill the vacuum there? Iran. It already has enormous influence in Iraq, and now we are going to be giving it even more.

This administration, like the Bush administration, has never understood basic political geography. Iran is a large Shia country that borders Iraq. Iraq is also a majority Shia country. Ever since the United States invaded Iraq in 2003 and removed Saddam Hussein, Iran's influence in Iraq has steadily grown. The assassination may appear gratifying in the short term, for, as I said, he was a bad person who had a lot of blood on his hands, but it has likely ushered in the most volatile moment in the Middle East in a very, very long time.

The same group of warmongering, political ideologues who told Americans that the Iraq war would lead to democracy's breaking out in the Middle East is telling us today that the Iranians will be celebrating in the streets. The truth is that this action will likely usher in the most militant Parliament in Iran that we will have seen in decades. The door will be closed com-

pletely on the hard-won moment for trying to derail Iranian nuclear ambitions through negotiations.

In closing, this is a pivotal and dangerous moment for America as the result of reckless policies over the last 3 years. The President's action may become the spark that could trigger another war in the Middle East. Let us here in Congress make very clear that President Trump has no authority to take America to war against Iran. Our Constitution requires that Congress authorize any decision to go to war, and Congress has not given that authorization.

In the days and weeks ahead, I hope all of us will do our duty as Senators to look at the situation we find ourselves in at this moment, and I hope we will resolve to do what President Trump said he wanted to do while he was campaigning for President, which is to not plunge us into more wars in the Middle East but to find a way to use our influence and our power responsibly to stabilize the situation there.

I yield the floor.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5377. An act to amend the Internal Revenue Code of 1986 to modify the limitation on deduction of State and local taxes, and for other purposes.

H.R. 5430. An act to implement the Agreement between the United States of America, the United Mexican States, and Canada attached as an Annex to the Protocol Replacing the North American Free Trade Agreement.

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 3, 2019, the Speaker reappoints effective January 1, 2020, the following individual on the part of the House of Representatives to the United States-China Economic and Security Review Commission for a term expiring on December 31, 2021: Ms.

Carolyn Bartholomew of Washington, DC.

The message also announced that pursuant to 22 U.S.C. 7002, the Minority Leader appoints the following member to the United States-China Economic and Security Review Commission: Mr. Michael Wessel of Falls Church, Virginia, as previously agreed, because of the change in Congress and the presumed statutory intent of the Commission, the Minority Leader appoints Mr. Wessel on behalf of the Speaker.

#### ENROLLED BILLS SIGNED

At 12:12 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker pro tempore (Mr. RASKIN) has signed the following enrolled bills:

H.R. 1424. An act to amend title 38, United States Code, to ensure the Secretary of Veterans Affairs permits the display of Fallen Soldier Displays in national cemeteries.

H.R. 2385. An act to permit the Secretary of Veterans Affairs to establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. ROBERTS).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5377. An act to amend the Internal Revenue Code of 1986 to modify the limitation on deduction of State and local taxes, and for other purposes; to the Committee on Finance.

H.R. 5430. An act to implement the Agreement between the United States of America, the United Mexican States, and Canada attached as an Annex to the Protocol Replacing the North American Free Trade Agreement; referred jointly to the Committee on Finance; Health, Education, Labor, and Pensions; Environment and Public Works; Appropriations; Foreign Relations; Commerce, Science, and Transportation; the Budget pursuant to section 151(e)(2) of the Trade Act of 1974.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3148. A bill to amend the Controlled Substances Act to list fentanyl-related substances as schedule I controlled substances.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on December 20, 2019, she had presented to the President of the United States the following enrolled bill:

S. 151. An act to deter criminal robocall violations and improve enforcement of section 227(b) of the Communications Act of 1934, and for other purposes.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first



and second times by unanimous consent, and referred as indicated:

By Mr. KAINE (for himself and Mr. DURBIN):

S.J. Res. 63. A joint resolution to direct the removal of United States Armed Forces from hostilities against the Islamic Republic of Iran that have not been authorized by Congress; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 933

At the request of Mr. WHITEHOUSE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 933, a bill to improve data collection and monitoring of the Great Lakes, oceans, bays, estuaries, and coasts, and for other purposes.

S. 2794

At the request of Mr. CRAPO, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 2794, a bill to provide for the creation of the Missing Armed Forces Personnel Records Collection at the National Archives, to require the expeditious public transmission to the Archivist and public disclosure of Missing Armed Forces Personnel records, and for other purposes.

S. 3068

At the request of Mr. GARDNER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3068, a bill to modify the boundary of the Rocky Mountain National Park, and for other purposes.

S. 3069

At the request of Mr. GARDNER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3069, a bill to authorize the Secretary of the Interior to correct a land ownership error within the boundary of Rocky Mountain National Park, and for other purposes.

S. 3104

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3104, a bill to make technical corrections relating to parental leave for Federal employees.

ADJOURNMENT UNTIL MONDAY,  
JANUARY 6, 2020, AT 3 P.M.

Mr. VAN HOLLEN. Mr. President, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 1:18 p.m., adjourned until Monday, January 6, 2020, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

ANDREW LYNN BRASHER, OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE EDWARD E. CARNES, RETIRING.  
JOSHUA M. KINDRED, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA, VICE RALPH R. BEISTLINE, RETIRED.

MATTHEW THOMAS SCHELP, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI, VICE STEPHEN N. LIMBAUGH, JR., RETIRING.

STEPHEN A. VADEN, OF TENNESSEE, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE DELISSA A. RIDGWAY, RETIRED.

NOMINATIONS RETURNED TO THE  
PRESIDENT

FRIDAY, JANUARY 3, 2020

The following nominations transmitted by the President of the United States to the Senate during the first session of the 116th Congress, and upon which no action was had at the time of the sine die adjournment of the Senate, failed of confirmation under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate.

AMTRAK BOARD OF DIRECTORS

RICK A. DEARBORN, OF OKLAHOMA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

JOSEPH RYAN GRUTERS, OF FLORIDA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

LEON A. WESTMORELAND, OF GEORGIA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

THEODORE ROKITA, OF INDIANA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 3, 2021.

BROADCASTING BOARD OF GOVERNORS

MICHAEL PACK, OF MARYLAND, TO BE CHIEF EXECUTIVE OFFICER OF THE BROADCASTING BOARD OF GOVERNORS FOR THE TERM OF THREE YEARS.

CONSUMER PRODUCT SAFETY COMMISSION

ANN MARIE BUERKLE, OF NEW YORK, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2018.

ANN MARIE BUERKLE, OF NEW YORK, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION.

CORPORATION FOR NATIONAL AND COMMUNITY  
SERVICE

VICTORIA ANN HUGHES, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2021.

HEATHER REYNOLDS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2021.

CORPORATION FOR PUBLIC BROADCASTING

DON MUNCE, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2024.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

LISA VICKERS, OF TEXAS, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2021.

DEPARTMENT OF AGRICULTURE

NAOMI C. EARP, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

SCOTT HUTCHINS, OF INDIANA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.

DEPARTMENT OF HOMELAND SECURITY

WILLIAM BRYAN, OF VIRGINIA, TO BE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF JUSTICE

SHANNON LEE GOESSLING, OF FLORIDA, TO BE DIRECTOR OF THE VIOLENCE AGAINST WOMEN OFFICE, DEPARTMENT OF JUSTICE.

VINCENT F. DEMARCO, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

KENNETH CHARLES CANTERBURY, JR., OF SOUTH CAROLINA, TO BE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

OWEN MCCURDY CYPHER, OF MICHIGAN, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS.

THOMAS L. LEONARD III, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF STATE

PAMELA BATES, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

MARSHALL BILLINGSLEA, OF VIRGINIA, TO BE AN UNDER SECRETARY OF STATE (CIVILIAN SECURITY, DEMOCRACY, AND HUMAN RIGHTS).

BRETT P. GIROIR, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES ON THE EXECUTIVE BOARD OF THE WORLD HEALTH ORGANIZATION.

RONALD MORTENSEN, OF UTAH, TO BE AN ASSISTANT SECRETARY OF STATE (POPULATION, REFUGEES, AND MIGRATION).

LEANDRO RIZZUTO, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATION OF SAINT KITTS AND NEVIS, SAINT LUCIA, ANTIGUA AND BARBUDA, THE COMMONWEALTH OF DOMINICA, GRENADA, AND SAINT VINCENT AND THE GRENADINES.

CHRISTINE J. TORETTI, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

JOHN LINDER, OF GEORGIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

WILLIAM ELLISON GRAYSON, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

LEORA ROSENBERG LEVY, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

BARBERA HALE THORNHILL, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

DEPARTMENT OF THE INTERIOR

KATHARINE MACGREGOR, OF PENNSYLVANIA, TO BE DEPUTY SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE TREASURY

GEOFFREY WILLIAM SELJI OKAMOTO, OF CALIFORNIA, TO BE DEPUTY UNDER SECRETARY OF THE TREASURY.

DEPARTMENT OF TRANSPORTATION

THELMA DRAKE, OF VIRGINIA, TO BE FEDERAL TRANSIT ADMINISTRATOR.

DIANA FURCHTGOTT-ROTH, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

FINCH FULTON, OF ALABAMA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

KEITH E. SONDERLING, OF FLORIDA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2024.

FARM CREDIT ADMINISTRATION

RODNEY K. BROWN, OF CALIFORNIA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING OCTOBER 13, 2024.

FEDERAL ELECTION COMMISSION

JAMES E. TRAINOR III, OF TEXAS, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2023.

FEDERAL ENERGY REGULATORY COMMISSION

JAMES P. DANLY, OF TENNESSEE, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2023.

FEDERAL LABOR RELATIONS AUTHORITY

CATHERINE BIRD, OF TEXAS, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS.

FEDERAL MEDIATION AND CONCILIATION  
SERVICES

RICHARD GIACOLONE, OF VIRGINIA, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

STEPHEN R. BOUGH, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2021.

INTERNATIONAL MONETARY FUND

MARK ROSEN, OF CONNECTICUT, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS.

METROPOLITAN WASHINGTON AIRPORTS  
AUTHORITY

ALAN E. COBB, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 2023.

WILLIAM SHAW MCDERMOTT, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2024.

NATIONAL FOUNDATION ON THE ARTS AND THE  
HUMANITIES

ROBERT JOSEPH KRUCKEMEYER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2022.

## PEACE CORPS

ALAN R. SWENDIMAN, OF NORTH CAROLINA, TO BE DEPUTY DIRECTOR OF THE PEACE CORPS.

## SMALL BUSINESS ADMINISTRATION

DAVID CHRISTIAN TRYON, OF OHIO, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION.

## SOCIAL SECURITY ADMINISTRATION

DAVID FABIAN BLACK, OF NORTH DAKOTA, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2019.

ANDREW M. SAUL, OF NEW YORK, TO BE COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2019.

## THE JUDICIARY

STANLEY BLUMENFELD, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

JEREMY B. ROSEN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

MARK C. SCARSI, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

KEVIN RAY SWEAZEA, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

DANIEL Z. EPSTEIN, OF TEXAS, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

HALLI SULEYMAN OZERDEN, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

SCOTT J. LAURER, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS.

CORY T. WILSON, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

FERNANDO L. AENLLE-ROCHA, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

ADAM L. BRAVERMAN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

SANDY NUNES LEAL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

R. SHIREEN MATTHEWS, OF CALIFORNIA, TO BE A UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

RICK LLOYD RICHMOND, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

STEPHEN SIDNEY SCHWARTZ, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

STEPHEN A. VADEN, OF TENNESSEE, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE.

GRACE KARAFFA OBERMANN, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

KATHRYN C. DAVIS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

EDWARD HULVEY MEYERS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

ANDREW LYNN BRASHER, OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

JOHN W. HOLCOMB, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

KNUT SVEINBJORN JOHNSON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

STEVE KIM, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

JOSHUA M. KINDRED, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA.

MICHELLE M. PETTIT, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

TODD WALLACE ROBINSON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

JENNIFER P. TOGLIATTI, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.

JOHN PETER CRONAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

WILLIAM SCOTT HARDY, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

JOHN F. HEIL III, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN, EASTERN AND WESTERN DISTRICTS OF OKLAHOMA.

DAVID CLEVELAND JOSEPH, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.

IRIS LAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

MATTHEW THOMAS SCHELP, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI.

## TRADE AND DEVELOPMENT AGENCY

DARRELL E. ISSA, OF CALIFORNIA, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT AGENCY.

## UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ALMA L. GOLDEN, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

JENNY A. MCGEE, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

## UNITED STATES PAROLE COMMISSION

ALMO J. CARTER, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

## UNITED STATES TAX COURT

MARK VAN DYKE HOLMES, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

## IN THE ARMY

ARMY NOMINATION OF LT. GEN. TIMOTHY J. KADAVY, TO BE LIEUTENANT GENERAL.

ARMY NOMINATION OF BRIG. GEN. DAVID M. HAMILTON, TO BE MAJOR GENERAL.

ARMY NOMINATION OF COL. JED J. SCHAERTL, TO BE BRIGADIER GENERAL.

## IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH CAPTAIN CHRISTOPHER A. BARTZ AND ENDING WITH CAPTAIN MELISSA L. RIVERA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 15, 2019.

COAST GUARD NOMINATIONS BEGINNING WITH REAR ADM. (LH) THOMAS G. ALLAN AND ENDING WITH REAR ADM. (LH) MATTHEW W. SIBLEY, WHICH NOMINATIONS

WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 19, 2019.

## IN THE MARINE CORPS

MARINE CORPS NOMINATION OF COL. DAVID NATHANSON, TO BE BRIGADIER GENERAL.

MARINE CORPS NOMINATION OF BRIG. GEN. AUSTIN E. RENFORTH, TO BE MAJOR GENERAL.

MARINE CORPS NOMINATION OF COL. DANIEL Q. GREENWOOD, TO BE BRIGADIER GENERAL.

## IN THE NAVY

NAVY NOMINATION OF REAR ADM. (LH) RONNY L. JACKSON, TO BE REAR ADMIRAL.

## IN THE AIR FORCE

AIR FORCE NOMINATION OF THOMAS L. REMPFER, TO BE COLONEL.

AIR FORCE NOMINATION OF ROBERT B. GOSS, TO BE LIEUTENANT COLONEL.

## IN THE ARMY

ARMY NOMINATION OF DAVID L. JOHNSON, TO BE COLONEL.

ARMY NOMINATION OF JAMES L. POPE, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF NATHAN GORN, TO BE COLONEL.

ARMY NOMINATION OF JAMES E. MATISKO, TO BE COLONEL.

ARMY NOMINATION OF DAVID J. PAINTER, TO BE COLONEL.

ARMY NOMINATION OF SHAWN D. SMITH, TO BE COLONEL.

## IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH ERIN N. ADLER AND ENDING WITH MARC A. ZLOMEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 15, 2019.

COAST GUARD NOMINATIONS BEGINNING WITH RYAN G. ANGELO AND ENDING WITH JEFFREY S. ZAMARIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 15, 2019.

COAST GUARD NOMINATIONS BEGINNING WITH JENNIFER J. CONKLIN AND ENDING WITH GENNARO A. RUOCCO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 19, 2019.

## FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ALAN TURLEY AND ENDING WITH ERIC WOLFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2019.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH SCOTT L. ANDERSON AND ENDING WITH CONRAD W.P. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 21, 2019.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MICHAEL LALLY AND ENDING WITH DALE TASHARSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 21, 2019.

FOREIGN SERVICE NOMINATION OF GUNTER E. SCHWABE.

FOREIGN SERVICE NOMINATION OF LAURA FARNSWORTH DOGU.

## IN THE NAVY

NAVY NOMINATION OF ROBERT K. DEBUSE, TO BE CAPTAIN.

NAVY NOMINATION OF PAUL S. RUBEN, TO BE CAPTAIN.