

The evidence is clear that Jacobs engaged in blatant sexual misconduct and racist behavior and did it for years. The evidence is clear that Mayor Garcetti either had direct knowledge of it or chose willful ignorance as a defense.

Nobody is that brazen to engage in this type of outrageous behavior against other people unless they know that they have a powerful enabler protecting them. Based on the facts and the evidence, the enabler is Mayor Eric Garcetti.

To defend himself, Mayor Garcetti has pointed to a report which inconceivably purports to clear Jacobs of any wrongdoing. The report was conducted by a law firm hired and paid for by the city of Los Angeles.

Mayor Garcetti and the City of Los Angeles would be liable if the report concluded sexual harassment occurred. The report was also delivered to the city of Los Angeles under attorney-client privilege, apparently in the hope that no one outside the city would ever see it.

The report failed to interview multiple firsthand witnesses. The interviews were not taken under penalty of perjury.

The report focused exclusively on allegations of sexual harassment made by the Los Angeles Police Department and—get this—failed to give due weight to other witnesses.

For example, the report includes an interview with Jacobs in which he admits he used racist language, kissing, hugging, and squeezing people's shoulders. The report also identifies the individual in the lewd photo I mentioned earlier. The report says that the individual stated that Jacobs' actions weren't funny and embarrassed that person.

That makes it clear. It makes it clear nonconsensual, physical contact occurred. It is evidence that sexual harassment occurred. Oddly, the report makes no attempt—no attempt whatsoever—to reconcile how it can conclude there was no sexual harassment after clearly describing sexual harassment throughout.

These aren't acts of transparency; these are acts to sweep this whole thing under the rug. Although Mayor Garcetti may be indifferent to the allegations and the actions of his deputy chief of staff, my colleagues and I have a duty to take such concerning allegations and take them very seriously. Whether here in the United States or abroad, there is no place for sexual misconduct or racism.

Mayor Garcetti has had countless opportunities over the years to stand up for victims by removing his deputy chief of staff, which he failed to do. These fundamental failures by Mayor Garcetti are incompatible with the office that he seeks. Therefore, I can't, in good conscience, vote for him.

I strongly encourage my colleagues to review all of this evidence found in my investigative report as well as what

is reported in the press. The facts and the evidence compel me to vote no, and I hope my colleagues will join me in doing the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

#### ORDER OF BUSINESS

Mr. SCHATZ. Mr. President, I ask unanimous consent to modify the previous order so that the Senate remain in executive session until 6:15 p.m., with all provisions under the previous order remaining in effect.

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

The Senator from Hawaii.

#### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. SCHATZ. Mr. President, our Navy and Marine Corps are the best in the world, but we face many challenges across the globe. We need to build new ships and maintain our current fleet. We need to recruit, train, and equip a force necessary to deter conflict, especially in the Indo-Pacific. We need to help keep sea lanes open for commerce and build deeper relationships with our allies and our partners.

To make sure that the Navy is able to carry out all military and civilian objectives, we allocate a lot of money for its budget. A Comptroller is critical to ensuring the accountability of taxpayer dollars and to keeping the Navy's readiness at the highest level.

Russell Rumbaugh, the nominee for this position, will bring firsthand knowledge to the job, having previously served as both special assistant to the Director and as an operations research analyst in the Secretary of Defense's Cost Assessment and Program Evaluation Office.

In having served as an Army infantry officer, Mr. Rumbaugh has had a unique perspective that will help him to support and strengthen our Navy, but his nomination is stuck because the Senator from Missouri is blocking it over disagreements, not with Russell Rumbaugh and not even necessarily with the Department of the Navy but with the Biden administration and Afghanistan policy.

I know because we have been here before, actually, Senator HAWLEY and I, I think, three times. This is the third time. I know what he is going to do today. I am going to make a unanimous consent request that we get the Navy a Comptroller, and he is going to say: No. I want a special committee on the Afghanistan withdrawal.

I am not the Armed Services chairman, and I am not the majority leader. I can't authorize that kind of thing. In any case, the House Armed Services Committee is absolutely, under a presumed Speaker McCarthy, going to do tons of oversight in this space.

My basic complaint about this tactic is that it is not what this power is for. It is not what this power is for. We are all given the ability to block a nominee. It is supposed to be used sparingly and not in the fashion that it is being

used by the Senator from Missouri. The Senator from Missouri, essentially, has got a total blanket hold. Sometimes, he allows the body to vote on somebody, but the demand, which he knows will never be accepted, remains. Otherwise, he will block the logistics guy at the Army; he will block the fiscal guy at the Navy; he has blocked numerous Department of Defense nominees not because of their qualifications and not because of any particular dispute regarding the nominee but because he is mad about the Afghanistan withdrawal. Lots of people are mad about the Afghanistan withdrawal, but only Senator HAWLEY does this.

I would just submit that the right way to influence foreign policy is on the floor as an amendment to the Defense authorization or to the State Department authorization or on the Senate Foreign Relations Committee or on the Senate Armed Services Committee, but not just by stomping your feet and disabling the Department of Defense from doing the work that it needs to do.

I just got out of a meeting. I came right out of this meeting with the Chief of Naval Operations. We talked a little bit about this position, and he talked to me about how important it was. So Senator HAWLEY and I may have a different view about the Afghanistan withdrawal, but I don't understand what Russell Rumbaugh has to do with this. He is an eminently qualified person. I don't even think the Senator from Missouri is alleging that this guy couldn't do the job or shouldn't do the job. It is just that he is mad about something else.

So we have got to break this logjam. The Senator from Missouri has been doing this for, well, more than a year now, and the Department of Defense itself is suffering. We have exchanged some pretty tough words, but I just hope that he sees fit to separate his foreign policy objections around Joe Biden being President and Secretary Austin and Secretary Blinken. Fair enough. It is a free country. He is a Republican; I am a Democrat. These are the kinds of fights that we have. But why block the Comptroller from the Navy? It just makes no sense to me.

I ask unanimous consent that the Senate consider the following nomination: Calendar No. 972, R. Russell Rumbaugh, to be an Assistant Secretary of the Navy; that the Senate vote on the nomination without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri.

Mr. HAWLEY. Mr. President, in reserving the right to object, I ask for permission to hold up this shirt.

Mr. SCHATZ. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SCHATZ. It is fine. Go ahead.

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

Mr. HAWLEY. Mr. President, this is Jared Schmitz, Lance Corporal Schmitz, from the State of Missouri, Wentzville, MO. His father made this T-shirt and gave it to me just a couple of weeks ago, when I last had the chance to visit with him.

Lance Corporal Schmitz was killed in action at Abbey Gate on August 22 of last year. On the back are the 12 other marines who were lost, along with Lance Corporal Schmitz, on that day.

When I saw his father and he gave me the shirt, he told me about all they are doing to honor Jared's memory. He asked me to continue to fight to uphold that memory and to get answers, and I said: That is exactly what I will do.

The truth is that this family and the families of the other lost marines and every American citizen have been waiting too long for answers about what happened at Abbey Gate, over a year ago, as the Senator from Hawaii rightly notes. We are waiting for answers as to why the commanders on the ground weren't heeded. We are waiting for answers as to why the White House wasn't ready to do a proper evacuation. We are waiting for answers about how the security situation so deteriorated that 13 servicemembers were killed and hundreds of American civilians were left behind to terrorists there in Afghanistan. We are still waiting for answers.

No, I am not willing to pretend that everything is fine at the Pentagon. Everything is not fine at the Pentagon. I am not willing to say that business as usual should go on. No, I am not willing to waive the rules of regular order and expedite nominations without even having a vote on the floor of this Senate, but I understand my colleague's sense of urgency here. I understand that he wants to move these nominations.

UNANIMOUS CONSENT REQUEST—S. RES. 763

Mr. President, in the spirit of trying to reach a compromise, as he proposes, I would just say this: Why don't we agree to take a vote—just a vote—on having a select committee to look into what happened at Abbey Gate and get those answers and make them public—not a commission that will take years and years to report, Vietnam-style, when everybody who made the decisions are safely out of power and collecting their pensions, but a select committee that will report and make it public to the American people and get real accountability—because who has been fired over what happened at Abbey Gate? Nobody. Who has been held accountable? Nobody. Who has given answers? Nobody.

Here is what I propose: I ask that the Senator modify his request so that following confirmation of the Rumbaugh nomination, the Senate proceed to legislative session; that the Committee on Rules and Administration be dis-

charged from further consideration; that the Senate now proceed to S. Res. 763; further, that the resolution be agreed to and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Hawaii.

Mr. SCHATZ. Mr. President, in reserving the right to object and just very quickly, look, we are at an impasse here. The problem is that the Senator from Missouri is asking for something that he knows I can't agree to, and he is blocking the Comptroller of the U.S. Navy because he is mad about something else. I mean, it is very clear what he is mad about, and he has come in with his set speech about what he is mad about.

The fundamental point here is that this is not the way to be a Member of the U.S. Senate. I remember—I guess it was a couple of years ago—he came down and said: I ask unanimous consent that we pass my bill on section 230 of the Communications Decency Act.

I said: If you want to get a hearing, go try to get a hearing. Introduce a bill. Get a Democratic cosponsor. Make the case. Work it through the committee process.

He has failed on that, and he has failed on this issue. He doesn't have other people with him, so he is pitching a fit. And the bummer about this is that it is not me who suffers; it is not one party or the other who suffers; it is the taxpayer. In this instance, it is the Department of the Navy that will lack a Comptroller because JOSH HAWLEY is not getting his way.

I object.

The PRESIDING OFFICER (Mr. KING). The objection is heard.

Is there objection to the original request?

Mr. HAWLEY. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Rhode Island.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REED. Mr. President, I rise to discuss the nomination of Musetta Tia Johnson, who is nominated to be a judge on the U.S. Court of Appeals for the Armed Forces, the senior appellate court for the military, with exclusive jurisdiction over the Uniform Code of Military Justice.

Ms. JOHNSON was favorably reported out of the committee on April 5, 2022, and has been pending on the Senate calendar ever since. I am unaware of any objection to her nomination with respect to her qualifications to be a judge on this appellate court.

When confirmed, Miss Johnson will be one of five judges on the Court of Appeals for the Armed Forces, often referred to as the supreme court of military law. This court, which is composed of civilian appellate judges, has been operating without its full quota of confirmed judges for this entire judicial session, where it considered impor-

tant jurisdictional and substantive military criminal law issues.

Importantly, the fiscal year 2022 National Defense Authorization Act implemented extensive changes to the UCMJ, including a statute that would criminalize sexual harassment under some circumstances. Ms. JOHNSON will play a critical role on the court of appeals in reviewing challenges and issues with the recent sexual assault and sexual harassment statutes, including defendants' rights under the UCMJ. Without Ms. JOHNSON, the court risks deadlock, which will further hamper the military's ability to maintain good order and discipline.

Mr. President, I ask unanimous consent that the Senate consider the following nomination: Calendar No. 861, Musetta Tia Johnson to be a judge of the U.S. Court of Appeals for the Armed Forces for a term of 15 years; that the Senate vote on the nomination without intervening action or debate; and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri.

Mr. HAWLEY. Mr. President, reserving the right to object, it has now been 16 months since President Biden's disastrous withdrawal from Afghanistan; 16 months since Lance Corporal Schmitz from Missouri and 12 other marines lost their lives at Abbey Gate; 16 months since hundreds of American civilians were left behind to the enemy; 16 months and no one has been fired, no one has offered answers. There has been zero accountability.

So for approximately the 200th time, we are here on the floor as I continue to fulfill my pledge to seek accountability for what happened at Abbey Gate, for the lives that were lost, including a life from my own State, Lance Corporal Schmitz, and to press for answers. It is not too much to ask that not just the families of the fallen but that the people of this country not be lied to about what happened at Abbey Gate and that we be given the answers the American people deserve.

In that time, in those 16 months, Central Command has done an exhaustive investigation and report. Here it is right here. It is thousands of pages long. I can't seem to convince my friend from Rhode Island to hold a hearing on it, so I have been entering it into the CONGRESSIONAL RECORD page by page. We are about—I don't know—100 pages in. We have many hundreds more to go. But when we are finished, everyone will be able to read this report in full. There have been other reports since then. The Special IG for Afghanistan recently issued his own report, that office's own report, about the collapse of the Afghan Government. And what these reports have in common is a consistent theme that commanders on the ground repeatedly