

the American people that credible whistleblowers approached my office about concerning allegations that he was aware of and enabled his deputy chief of staff, Rick Jacobs, to sexually harass several employees within the mayor's office. These men and women alleged that Rick Jacobs engaged in inappropriate and degrading physical contact without their consent. They alleged that Rick Jacobs made crude sexual remarks and gestures towards staff and others. They alleged that he made blatantly racist remarks towards Asians and other minorities.

These allegations have also been publicly reported by many news outlets. Text messages made public by the Los Angeles Times indicate that these incidents were common knowledge among Garcetti's staff. A now infamous picture shows Jacobs inappropriately touching an individual next to him. In the picture, Mayor Garcetti is standing on the other side of Jacobs.

Mayor Garcetti said under oath during his nomination that "I want to say unequivocally that I never witnessed, nor was it brought to my attention, the behavior that's been alleged, and I also want to assure you if it had been, I would have immediately taken action to stop that."

How can that statement be true when there is a photo with Jacobs inappropriately touching an individual next to Garcetti? How can that statement be true when text messages exist from his own staff discussing the toxic work environment within the mayor's office?

In total, my office identified over 19 individuals who have either witnessed Jacobs' behavior or were the victims of it. So who are these brave and courageous individuals who made these allegations? Are they Republican operatives? No. They are his former communications director, senior staffers, junior staffers, businessmen, civic leaders, and a Los Angeles Police Department officer assigned to protect him. This isn't a political hit job. This is a bipartisan endeavor to stop an inadequate nominee.

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 weren't taken under penalty of perjury. The report focused exclusively on allegations of sexual harassment made by the Los Angeles Police Department officer and failed to give due weight to other witnesses. For example, the report includes an interview with Jacobs in which he admits to

using 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 Jacob's actions weren't funny and embarrassed that person. That makes it clear nonconsensual physical contact occurred. It is evidence that sexual harassment occurred. And it literally occurred right next to Mayor Garcetti.

The last time I spoke about this matter was right after President Biden signed the Speak Out Act into law. I cosponsored that bill, which Senator GILLIBRAND led. The law enables survivors to speak out about workplace sexual assault and harassment.

So, on the one hand, the Biden administration says it supports victims. Yet, on the other hand, the Biden administration supports a nominee who enables misconduct that creates more victims. The Biden administration's positions are irreconcilable. They are the very definition of tone deafness. The Biden administration and all those who support this nomination have sent a message that victims will only be believed when politically convenient. The Biden administration has no credibility when it comes to protecting victims of sexual harassment. To my Senate colleagues, do you support victims of sexual harassment and racism or a man who enabled it for years, leaving many victims in his wake? You can't support both.

Mayor Garcetti's own staff have spoken out to stop this nomination at a risk to their careers. One of them is Naomi Seligman, who was Mayor Garcetti's former communications director and one of the many whistleblowers who worked with my office regarding this nomination. She said that Garcetti's vote out of the Foreign Relations Committee "on International Women's Day no less, shows a real disconnect between the rhetoric we hear from elected leaders who claim to support victims of workplace sexual harassment and the pass they give to party loyalists in the next breath. It's disheartening to say the least."

I agree. Mayor Garcetti is incompatible with the office that he seeks. I, again, strongly encourage my colleagues—Democrats and Republicans alike—to review the evidence found in my investigative report, as well as in the press. Most importantly, listen to the victims. The facts and the evidence compel me to vote no, and my colleagues must join me in doing the same.

NOMINATION OF JOSHUA D. JACOBS

Mr. GRASSLEY. Mr. President, I intend to object to any unanimous consent request relating to the nomination of Joshua D. Jacobs, to be Under Secretary for Benefits at the Department of Veterans Affairs, PN195.

Mr. Jacobs, if confirmed, would lead the Veterans Benefits Administration

at VA. This VA component is at the heart of my many congressional oversight requests dating back 2 years, which the VA has failed to adequately respond to. The whistleblower allegations raised in my oversight inquiries that the VA Office of Inspector General—OIG—investigated have been vindicated, with the OIG issuing a report last year identifying potential conflicts of interest by the senior VA official at issue, Ms. Charmain Bogue. That official left Federal service and failed to cooperate further with OIG, as did the organization her husband worked for, Veterans Education Success, which had business before VA. This leaves questions open that VA has yet to resolve.

I raised other issues as well that the OIG did not investigate, but which VA needs to respond to. This includes allegations that VA failed to protect sensitive and confidential information about publicly traded companies. The OIG decided that this was more properly investigated by the Securities and Exchange Commission, but to my knowledge, they have not investigated the matter either. It falls upon VA to provide transparency on the issue.

I have also raised questions regarding FOIA records that show a senior VA official, Mr. Thomas Murphy, admitting to firing the person he suspected of being a whistleblower to my office in 2021. VA has not adequately responded to this apparently egregious violation of whistleblower-protections laws. I have raised serious additional questions as to what knowledge VA officials had of the underlying conflicts of interest at issue in my inquiry, how those conflicts were allowed to exist, why VA obstructed my investigation, and like issues.

To date, VA has failed to provide a full and complete response to any of the five oversight letters I have sent to them since April 2021. And today, I am sending two more, to the VA and OIG, raising allegations whistleblowers have brought to my office concerning potential contract irregularities and illustrating the VA's failure to answer the many outstanding questions I have raised in the past. There are at least 27 outstanding requests and questions raised in these letters that VA has inadequately addressed and, in many instances, not addressed at all. In instances where they have provided records, those have been heavily redacted with citations to FOIA exemptions, even though FOIA does not apply to Congress. In some instances, I have even had to rely upon third-party FOIA productions to provide information. It was only through a FOIA production, for example, that I learned that VA had begun drafting a response to me soon after my initial oversight letter, but never sent it. Instead, VA waited nearly 9 months to respond and even then declined to answer any of my questions other than requests for records, which it heavily redacted, and many of which it withheld in full. In

other words, the draft response that I would have never received but for FOIA included more information than what VA eventually sent me.

Because of my concerns with VA's obstruction and because the nomination relates to a position at the center of my oversight requests, I submitted questions for the record to Mr. Jacobs. Although I appreciate his response to my questions, I found a number of his answers unsatisfactory. For instance, he was provided with sufficient background in my questions with respect to my VA inquiry. I asked him, given the fact that he currently is exercising the powers of Under Secretary for Benefits, if he would commit to opening an investigation now into the serious questions I raised. He declined to respond, instead stating what he would do in certain hypothetical circumstances, even though the questions pertained to matters directly under his current purview. After I provided the names, dates, and specific allegations that need to be addressed but have failed to be for the past 2 years and after repeating many of those details in my questions to Mr. Jacobs, it was unacceptable for him to answer in hypotheticals. Many of his other responses were equally disappointing.

My staff has also identified at least one document that seems to contradict Mr. Jacobs' claim that he did not play "any role" in VA's response to my inquiry. While I make no claim that Mr. Jacobs intentionally misled me in his responses, this document at least raises serious questions as to the accuracy of his blanket assertion. In the document, Mr. Jacobs reaches out to a senior VA legislative affairs official, multiple officials from VA's Office of General Counsel, and others, relaying information on a call he received about a matter related to my oversight, which he believed was the same issue that prompted my letters. This shows that he took at least one phone call on what he thought was the same matter and provided this information to those preparing a response to me. It is difficult to imagine that nobody ever responded to Mr. Jacobs, either by email or in-person conversations, in which he would have had additional conversations about VA's response. Accordingly, the email undercuts his assertion that he did not play "any role" in the matter. Moreover, VA's redaction-filled productions make it difficult to bring transparency.

Because of VA's lack of transparency on these critical issues and Mr. Jacobs' evasive answers on a number of my questions, I must therefore object to any consideration of this nominee. I am more than willing to discuss with the VA and Mr. Jacobs how they can remedy the deficiencies in their responses.

This hold is a reminder that executive agencies have an ongoing obligation to respond to congressional inquiries in a full and timely manner.

NATIONAL LIBERTY MEMORIAL

Mr. GRASSLEY. Mr. President, I have been glad to see that Lena Santos Ferguson is finally gaining recognition for her work to desegregate the Daughters of the American Revolution. In 1980, Mrs. Ferguson was turned away when she tried to join DAR. She was discriminated against even though she could trace her ancestry to Jonah Gay, who had supported the Revolution through the town committee of Friendship, ME.

According to the Washington Post, one of Ferguson's White sponsors was told that, if Mrs. Ferguson was admitted, the DC chapter "will probably fall apart." However, last month, the DAR renamed its Washington, DC, nursing scholarship as the "Daughters of the American Revolution—Lena Ferguson Scholarship," doubled its size, and announced the upcoming placement of a plaque in honor of her work.

It is a testament to the work of those such as Ferguson that the DAR has gone from threatening dissolution to naming a scholarship in her honor.

Ferguson represented a much larger group of under-recognized Black Revolutionary War patriots. In 1984, when Ferguson was finally allowed to join the DAR, the settlement agreement had an impact well beyond one woman's effort for recognition. It led to new research and the identification of over 5,000 of the estimated 10,000 Black Revolutionary War participants.

However, highlighting the contributions Black patriots made in the American Revolution does not end with DAR. That is why I worked with Senator MURPHY to pass into law the National Liberty Memorial Preservation Act. Our bipartisan bill allows the National Mall Liberty Fund D.C.—a group founded by Maurice Barboza, Ferguson's nephew—to continue its work getting a monument to Black patriots on or near the National Mall in Washington, DC.

Both this monument and the work of Mrs. Ferguson display the founding purpose of our Nation. Unlike almost every other country on Earth, Americans are not bound together by a common ethnicity or geographical ancestry. We are all Americans because we believe in the principles our country was founded upon. This is the common heritage of all Americans of all backgrounds. It is vital that we do not forget that bond and even more vital that we preserve the principles themselves and honor those of all backgrounds who fought for them.

The construction of the National Liberty Memorial by July 4, 2026—the 250th anniversary of our Nation's founding—would serve as another important reminder of that bond we share as Americans. I urge my fellow Americans to come together around that goal.

TRIBUTE TO BERNARD E. DOYLE

Mr. VAN HOLLEN. Mr. President, I rise to acknowledge Bernard E. "Ber-

nie" Doyle, who is retiring on 20 April 2023, after more than 40 years of combined military and Federal civil service to our country. After graduating from the George Washington University with a bachelor of arts degree in journalism and speech, Mr. Doyle received his Air Force officer commission in April 1979 as a public affairs officer. With unbounded ambition, Mr. Doyle was selected for the Air Force's Funded Legal Education Program and attended the University of Maryland Law School from 1981 to 1984. Upon his graduation from law school in October 1984, Mr. Doyle entered the second chapter of his military service as a judge advocate in the U.S. Air Force Judge Advocate General's Corps and never looked back.

Rising through military ranks and responsibilities through the years, Mr. Doyle was promoted to the rank of lieutenant colonel and oversaw 11 attorneys in the Air Force Legal Service Agency's Employment Litigation Branch. He also personally conducted over 200 trials and appellate litigation in Federal employment discrimination cases and trial and appellate litigation before military courts martial and the appellate courts for the Air Force and the Armed Forces. Among the highlights of his military legal career was his experience defending the accused in three capital murder courts martial. With humility, he would share the profound impact that this experience had on his formative years as a military officer and an attorney in finding courage and compassion within the military justice system.

After his retirement from the Air Force in December 1998, Mr. Doyle continued his public service as an administrative judge with the Merit Systems Protection Board—MSPB—an appeals counsel in the MSPB's Office of the Appeals Counsel, and then as an assistant general counsel for the MSPB Office of the General Counsel. To no one's surprise, Mr. Doyle's managerial skills and legal acumen were quickly recognized by his leaders and peers, which led to his selection as the chief counsel to the vice chairman in a non-career Senior Executive Service position. During Mr. Doyle's 11-year tenure at MSPB, he worked extensively on MSPB precedential opinions and successfully defended MSPB final decisions before the U.S. Court of Appeals for the Federal Circuit. Several of his cases, such as *Ward v. U.S. Postal Service*, *Kirkendall v. Army*, *Butterbaugh v. Department of Justice*, and *Becker v. Department of Veterans Affairs*, continue to serve as the guiding principles on due process rights for Federal employees and employment benefits and protections for veterans and military servicemembers.

Mr. Doyle joined the National Guard Bureau Office of the General Counsel as an associate general counsel in the Litigation and Employment Law Division in September 2014. His leadership and dedication to excellence was critical in managing and advocating for