

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

warned the administration, repeatedly warned the National Security Council, repeatedly warned the State Department as early as the spring of 2021 that the security situation was deteriorating rapidly, that the Taliban was gaining ground rapidly, and that there needed to be an evacuation.

Yet what did the White House do? Well, according to the findings in this report, nothing. Did they plan? No. Did they take action necessary? No. And so on August 26, there was a terrorist explosion at Abbey Gate. We lose those 13 marines. Hundreds of American civilians are left behind in a botched evacuation. And here we are. Yet we are asked to act as if nothing has happened, as if we should just go on, business as usual. Keep the conveyor belt of nominees to this Pentagon running with no votes, no votes on this floor, no debate on this floor; just wave them through; waive regular order; move it right along; nothing to see here. I am not willing to do that. I haven't been willing to do it for over a year.

I hope my colleagues see now, a year on, that I was serious in August of 2021 when I said I would not consent to waiving the rules to send more nominees to this Pentagon until something is done to get answers and, frankly, to change the culture because the truth is, we have a cultural problem in the whole military-industrial complex.

This is an entity, an organization, that has lied to the American people repeatedly over the years. They lied about Vietnam for a decade. They lied about Iraq. They lied about the true state of the war in Afghanistan. And now we are getting the same lies again, to the point that we can't even hold a hearing in public because the White House won't consent to it.

I don't really blame Chairman REED. He can't get witnesses to come testify in public because this White House doesn't want to say another word about what happened at Abbey Gate. We have a word for that. It is called a coverup, and it is time for it to stop.

Listen, much has been said about my blocking nominees. The truth is, I can't block any nominee. All of these nominees can be brought to the floor. They can't even be filibustered. It is just a matter of what the Senate majority leader wants to do. Sadly my side is not in the majority, and we are not going to be for the next 2 years. So if the Senate majority leader sees fit to vote on these nominees, he can at any time. But as to whether or not I will consent to waiving the rules and allowing these nominees to the Pentagon in leadership positions to be confirmed without even a vote—I will not until something changes at the Pentagon, until something is done about what happened at Abbey Gate.

I know that my colleague the chairman is acting in good faith. It is a privilege to serve with him on the committee. I know he is in a tough spot here because he has a White House that doesn't want to give an inch and

doesn't want to say a word. I would just say that I hope, with real oversight coming soon in the House of Representatives, that the Senate will see fit and see its way to doing its part and holding open hearings on this report, on this tragedy, and making sure it does not happen again.

With that, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REED. Retaining my time, Mr. President, I disagree, obviously, with the Senator from Missouri.

The Senate Armed Services Committee has had extensive oversight on Afghanistan. The committee actions include seven public and closed hearings regarding the Afghan war, lessons learned, and ongoing regional counterterrorism requirements since the withdrawal last August. Senator HAWLEY had the opportunity to participate in each of these hearings.

The fiscal year 2022 National Defense Authorization Act contained a provision that mandated that the Department of Defense deliver quarterly briefings in both unclassified and classified form on the security situation in Afghanistan and ongoing counterterrorism efforts. The classified briefings have taken place on January 20, April 14, and July 21. The unclassified briefings have taken place on February 14 and April 25. Most recently, on October 19, the committee held unclassified and classified briefings, and Senator HAWLEY has full access to these briefings.

The fiscal year 2022 National Defense Authorization Act also contained a provision, section 1069, which requires the yearly assessment of our "over the horizon" counterterrorism capabilities in Afghanistan. The committee has received the first installment, and this, too, is accessible to all members of the committee.

The fiscal year 2022 NDAA further mandated the establishment of the Afghanistan War Commission, which will spend several years examining all aspects of the 20-year war in depth. Let me emphasize—the 20-year war in depth. All the Commissioners have been appointed. We expect the Commission to commence work in the near term.

I note that Senator HAWLEY indicated that beginning in 2020 there were reports that military leaders were warning of possible complications. That was during the term of President Trump.

I think also one of the issues that has to be looked at is the release of 5,000 Taliban fighters at the direction of President Trump and over the objections of the Afghan Government. Were they at Abbey Gate? Were they the leading forces who were moving in and surrounding Kabul?

This situation requires a long, detailed study. To focus on one event will create headlines but not information or knowledge that we can bring forward. The factors contributing to Abbey Gate

were long in the making, and unless we look at those factors over time, unless we look at the whole operation, I don't think we are going to get the kinds of insights we need.

So I respectfully disagree with Senator HAWLEY's objection, and I hope we can find a way to confirm Ms. JOHNSON.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, if I could just briefly build on the remarks of Chairman REED, never before has such a small number of Senators stood in the way of this large a number of nominees. The impact of this constant effort to hold up nominees to the State Department and the Department of Defense is to compromise the national security of this Nation; to try to rob from this administration, from this President, the ability to govern and to protect this Nation.

I would just remind my colleagues that what comes around goes around. I know right now some Republicans may delight in the President not having any personnel necessary to run Agencies because of this record number of holds that have been put on nominees by the Republican minority. But there will be a Republican President someday. There will be a Republican majority someday. And a handful of Democratic Senators will use the same tactics that are being used today to essentially rob from this administration its right to do the job it was elected to do by the American people, at great risk to American national security.

So my prerogative on this is that we should just change the rules and make it less easy for one Senator to hold up nominees who are supported by 90 to 95 percent of us and make it easier to proceed to a vote on nominees.

The Senator from Missouri wants to vote no on this nominee or others. That is his right, but we should come up with a process by which the entire administration is not ground to a halt by 1 or 2 of 100. We should just decide to do that because today this is hamstringing a Democratic President. But let me guarantee you, it will hamstring a Republican President someday as well.

YEMEN

Mr. President, I come to the floor today to provide remarks in support of Senator SANDERS' resolution that we will consider later today.

I have come to the floor many times to talk about the war in Yemen. I think I first came to the floor during the Obama administration, when very few people even knew there was a civil war in Yemen that the United States was participating in.

But let me just say again what I hope is common knowledge. The war in Yemen has been a national security disaster for the United States. It has now been ongoing for 8 years, and by no metric has this war accrued to the benefit of U.S. national security. Let me just give you a few windows into why this is true.