

KAINE. With her depth of experience and proven commitment to equal justice, Judge Hanes will continue to serve the Eastern District of Virginia with distinction. And importantly, as a former public defender, she will bring vital professional diversity to the Federal bench.

I urge my colleagues to join me in supporting this outstanding nominee.

RECESS

The PRESIDING OFFICER (Mr. WARNOCK). Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

EXECUTIVE CALENDAR—Continued

VOTE ON HANES NOMINATION

The PRESIDING OFFICER. All postcloture time has expired.

The question is, Will the Senate advise and consent to the Hanes nomination?

Ms. BALDWIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), and the Senator from Missouri (Mr. HAWLEY).

Further, if present and voting, the Senator from Missouri (Mr. HAWLEY) would have noted "nay."

The result was announced—yeas 59, nays 37, as follows:

[Rollcall Vote No. 276 Ex.]

YEAS—59

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Romney
Blumenthal	Hirono	Rosen
Booker	Kaine	Rounds
Brown	Kelly	Sanders
Cantwell	Kennedy	Schatz
Capito	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Smith
Collins	Markley	Stabenow
Coons	Menendez	Tester
Cortez Masto	Merkley	Tillis
Duckworth	Murkowski	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Warnoock
Gillibrand	Ossoff	Warren
Graham	Padilla	Whitehouse
Grassley	Peters	Wyden
Hassan	Portman	

NAYS—37

Barrasso	Cassidy	Daines
Blackburn	Cotton	Ernst
Blunt	Cramer	Fischer
Boozman	Crapo	Hagerty
Braun	Cruz	Hoeben

Hyde-Smith	Moran	Sullivan
Inhofe	Paul	Thune
Johnson	Risch	Toomey
Lankford	Rubio	Tuberville
Lee	Sasse	Wicker
Lummis	Scott (FL)	Young
Marshall	Scott (SC)	
McConnell	Shelby	

NOT VOTING—4

Burr	Hawley
Cornyn	Leahy

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

The Senator from Illinois.

CORONAVIRUS

Mr. DURBIN. Madam President, this is my first day back in the Senate since I contracted COVID last week. It is good to be back, particularly for a historic week. I am grateful to the healthcare professionals and brilliant scientists who developed the COVID vaccines and therapies so quickly and am thankful for the Federal funding that made their work possible. Luckily, I am double-vaxxed and double-boosted, and I encourage everyone: Get your shots.

AYMAN AL-ZAWAHIRI

Madam President, at 6:18 a.m. this past Sunday morning, in a wealthy neighborhood in Kabul, Afghanistan, two U.S. Hellfire missiles delivered justice—at last—to al-Qaida leader Ayman al-Zawahiri. Al-Zawahiri is dead, and the world is better for it. He was a terrible man who brought horrific suffering to countless numbers of people, innocent people, throughout the world.

He was second in command to Osama bin Laden during 9/11, which claimed nearly 3,000 innocent American lives. He was the mastermind behind the bombings of the U.S. Embassies in Kenya and Tanzania in 1998 and behind the bombing of the USS Cole in the Yemeni port in 2000. He claimed to act on behalf of Islam; yet his hands were stained with the blood of innocence, including of countless Muslims.

Since the death of bin Laden 11 years ago, Zawahiri has been the leader of al-Qaida. He has been rumored variously to be hiding in the tribal areas of Pakistan and Afghanistan. He was finally discovered living with his family in a wealthy neighborhood in the center of Kabul.

The U.S. intelligence community and the CIA deserve great credit for their careful, professional work over months to verify Zawahiri's location and identity. President Biden also deserves credit. At least three U.S. Presidents hunted down this man. Joe Biden's administration finally succeeded in riding the world of this terrible person.

The war in Afghanistan was America's longest war by far—20 bloody years. Donald Trump, before he left office, set the deadline to end that war—a decision that Joe Biden inherited and America completed 1 year ago this

month. I supported that decision to withdraw the troops from Afghanistan. At the same time, President Biden and military leaders warned extremists not to confuse the withdrawal of American boots on the ground with any reduction of our commitment to the fight against terrorism.

The death of Zawahiri is proof that those who harm U.S. citizens, U.S. troops, and U.S. interests will find no safe quarter in this world.

PACT ACT OF 2022

Madam President, you don't have to go to Ground Zero in New York or to the Pentagon or to the field in Shanksville, PA, to see the reminders of the terrible suffering that came out of 9/11; you can walk outside of the Senate Chamber and see Iraq and Afghanistan veterans and their families, who still bear the scars of war.

For years, they and many others have urged the Veterans Health Administration to finally provide healthcare for the veterans who were exposed to toxic burn pits and other forms of deadly toxic pollution during their service.

Last Thursday, many of these veterans traveled to Washington. They came here to see a celebration—the passage of the PACT Act—and President Biden promised to sign it. It is a critical bill designed to provide VA health services for 3.5 million toxic-exposed veterans. Instead of a celebration, they witnessed a betrayal. At the last minute, 25 Republican Senators, who had just voted for the PACT Act 6 weeks earlier, voted against it. They voted against giving toxic-exposed military veterans the VA healthcare they deserved.

Since then, these veterans, their family members, and supporters have been holding a vigil—what they call a fire watch—on the steps of the Capitol. They have remained there through rain and steaming heat to remind us of our duty to help them.

Veterans across this Nation and some out on the steps are sick and dying with cancer and other disorders because they were exposed to burn pits, Agent Orange, and other chemical poisons. These are wounds of war, and they should be treated that way. Veterans who have risked their lives for our freedom must not be treated as collateral damage in a political skirmish.

JON TESTER, the chairman of the Veterans' Affairs Committee, has shown real leadership on this. JON states it ever so simply, and I think we should all remember: We have to face the real costs of war. We talk about our annual budgets. We talk about the body counts. We talk about all of the issues that face us, but we face the reality that those who served in our wars come home many times with physical but often invisible scars that haunt them for a lifetime. Those are the real costs of war. This bill, the PACT Act, which JON TESTER and Senator MORAN of Kansas brought to this floor, addressed those costs.

It is time for us to get it right in the U.S. Senate. There is a rumor on the floor that there may be an agreement that even today we are going to vote on this. None too soon. Those veterans who are waiting on the steps deserve it. Millions at home are watching this—and their families and others who love them—in the hopes that what we do on the floor of the Senate will finally give them some comfort in their lives. The Senate must hold another vote on the PACT Act, and I hope it will be today. That is the rumor on the floor.

Let's get it right this time. Let's reassemble that bipartisan coalition that passed the bill originally. Let's restore the faith of the veterans community and many Americans in the U.S. Senate. On a bipartisan basis, we can stand up for those who stood up and served our Nation.

JANUARY 6

On another matter, Madam President, the last several days have brought a stream of troubling revelations about the disappearance of Secret Service and Department of Homeland Security text messages from around the time of the deadly January 6, 2021, insurrection on this Capitol. The missing texts could provide critical evidence about one of the worst crimes and greatest threats to our Constitution ever perpetrated on America. The disappearance of this critical information could jeopardize the efforts to learn the full truth of January 6 and hold responsible anyone who planned and participated in that attack.

I don't know whether the failure to preserve these critical government texts of January 6 is a result of bad faith or stunning incompetence, but I do know that the man who has overseen this fiasco is not the right person to investigate it. This man has lost whatever credibility he may have once had on this matter. That is why I have asked Attorney General Merrick Garland to step in and take control of this investigation into the missing texts.

This is what we know so far: Joseph Cuffari was nominated to be inspector general for the Department of Homeland Security by former President Donald Trump. He remains in that position today. The Department of Homeland Security includes the Secret Service and many other critical government Agencies. Inspectors general are supposed to be independent watchdogs for their Departments and make sure that the people working in that Department don't engage in waste, fraud, or abuse. If there is any problem, the inspector general is required by law to report it to Congress.

In recent weeks, we learned belatedly from Mr. Cuffari, this inspector general, that, No. 1, his office asked the Secret Service last February for text messages, emails, and other records that could shed light on January 6, and he was met with months—months—of delay and stonewalling.

Mr. Cuffari has known since at least February of this year that the Secret

Service texts from January 6 had been erased in supposedly routine resets of the Agency's phones.

Imagine that—Agencies entrusted with the security of the United States and when there is a handoff of official phones, they are erased at that time.

Mr. Cuffari did not share that information with Congress for 5 months—5 months.

Mr. Cuffari also belatedly informed Congress that texts from the cell phones of the top two leaders in the Department of Homeland Security during the insurrection, Acting Secretary Chad Wolf and Acting Deputy Secretary Ken Cuccinelli, were apparently lost during another reset after they turned in their government phones.

Imagine the fumbling of critical information about an event as historic as the January 6 Trump insurrectionist mob who invaded this Capitol.

According to public reports, Department staff actually came up with a plan to retrieve the deleted emails when they first learned about them. Listen to this: Mr. Cuffari's office inexplicably killed the plan.

This isn't just another government Agency we are talking about, as important as that would be; the Department of Homeland Security has some of the most sophisticated intelligence and investigative capabilities not just in the United States but in the world. It is hard to believe that this Department accidentally deleted texts that could shed light on one of the greatest constitutional events and crimes ever committed in the history of the United States, but it would be just as problematic if they did. Either way, we need to get to the bottom of this.

This month, after news of the missing texts became public and his office came under criticism, Mr. Cuffari belatedly opened a criminal investigation into the Secret Service's missing text messages. It was the right thing to do, but he is the wrong person to do it. Mr. Cuffari has lost his credibility.

The same law that allows Mr. Cuffari to conduct this criminal investigation, the Inspector General Act, gives to the Attorney General of the United States the power to take control of it. It is time for Attorney General Garland to step in and oversee this investigation with impartial professionalism that justice and history demand.

CRYPTOCURRENCY

Madam President, it was February when I was watching the Super Bowl with my family at home. I noticed something that was odd. There was LeBron James on TV. In a commercial, he tells a younger version of himself: "If you want to make history, you gotta call your own shots." He was promoting crypto.com, a cryptocurrency exchange based in Singapore.

Soon after, one of my favorite comedians appeared on the screen, Larry David. His ad had a similar note. He warned viewers not to "miss out on crypto." That ad was sponsored by a different crypto exchange that was headquartered in the Bahamas.

I saw these ads and thought to myself, What is going on here? This is a football game. Both companies were just a few years old, and 30-second ads cost millions of dollars—\$7 million, I understand. I can't imagine enlisting LeBron James and Larry David for that purpose. So how exactly can these exchanges that most Americans have never heard of afford to shell out tens of millions of dollars on Super Bowl ads? Better yet, why?

Last week, National Public Radio ran a story that helped answer my question. You see, these crypto companies weren't simply promoting their products; they were trying to create a veneer of credibility. These Super Bowl ads were high-stakes attempts to convince hard-working Americans into investing in a volatile, unwieldy, and poorly regulated asset class called cryptocurrency. Unfortunately, it seems to be working.

Let me tell you about Michelle Milkowski. She lives in Washington State. She watched the same ads I did during the Super Bowl. She shared her story with National Public Radio. When Michelle saw celebrities promoting crypto products, she said it convinced her that "[it's] not just scammers [that] are using [them]. . . . [I] felt safe . . . to put my money in there." So how did Michelle's crypto investment pan out? Well, 3 months after the Super Bowl, she was down \$8,000. She was another victim of the crypto market meltdown that began in May.

For the record, in the course of 24 hours, more than \$200 billion of value in the crypto industry vanished. And, just last week, the industry lost more than 5 percent of its value—again, in 1 day.

These rapid losses convinced Michelle to cash out. How does she feel about her crypto experience today? She said:

There's definitely peace that comes with . . . selling off such a volatile asset . . . I don't have to worry [every day] am I losing . . . [another] thousand dollars . . .

Michelle was lucky she was able to wash her hands and cut her losses, but, Madam President, for the majority of Americans who cannot afford even a \$1,000 emergency, losing \$8,000 in 3 months is a disaster. That is the difference between paying your rent and living on the street.

Look, if you are a retail investor with money to invest and you want to try your hand at the crypto casino, by all means, grab your chips and head to the tables—within reason. But when we are talking about an industry that has reached more than a trillion dollars in value, that has shed hundreds of billions of dollars in the past few months, it is time for caution.

As I mentioned, cryptocurrencies—even the most well-known like Bitcoin—are poorly regulated, if they are regulated at all. And Bitcoin has seen wild swings. Bitcoin has lost roughly two-thirds of its value since