

working. And I can tell you, as I travel around New Hampshire, it is one of the things that I hear from people in our communities that they are interested in.

They want to know about the appropriations process, and they want to know what other opportunities are there to support initiatives that may not fit within some grant program, that they may not be able to raise money in the private sector for but that are very important for our communities.

The resolution sponsored by the Senator from Indiana would require the chair of the Senate Appropriations Committee to certify that not just Senate earmarks have been disclosed but that all House earmarks have been disclosed.

I think that bill is a solution in search of a problem. The House already has its own rule that governs congressionally directed spending items, and it is required to identify these items.

It knows what its Members have requested, and it is responsible for disclosing them. Requiring the Senate to confirm that the House has done its job before we can consider a message from the House is unnecessary, and it could stop consideration of appropriations bills before they ever get here.

The resolution sponsored by my colleague from Indiana would change Senate rule 44 in ways that could have unintended consequences and could delay critical funding for projects that are important in my home State of New Hampshire and in so many States across this country.

So given all of those concerns, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Indiana.

Mr. BRAUN. Mr. President, with all due respect to the Senator from New Hampshire, Senator SHAHEEN, back in 2007, both New Hampshire Senators Gregg and Sununu as well as all 98 Senators who voted back then I think intended not only for the letter of the law but they wanted the spirit of the law to be aligned with it.

We now have a new way, something that can come over here that violates a standing rule of the Senate. I am guessing it will probably be used again down the road where we have to get something, we have no time to look at it. I think the spirit of the law would say that we need the 48 hours and the ability to know who is on it and who isn't.

And then in the bigger picture, I would ask this question—and the American public ought to listen, ask it themselves—is this place getting more responsible or are we giving better value to you? Do we budget? Do we use regular order? And most importantly, are we creating more and more deficit and more and more debt?

We know what the answer is. I talked about it for 15 minutes yesterday evening. We are doing everything we

can to avoid the rules, pay attention to the spirit of the law. And in what we are delivering, it is a product I think that shows less and less responsibility out of a body that should not be making rules that make it easier to run deficits and go into debt. It ought to be the opposite.

And if we don't, I think future generations will hold us accountable for the things that we seem to do best, which are the gimmicks to get around budgeting, avoiding the rules on a technicality.

The American public deserves better. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that at 1:45 p.m., the Senate proceed to executive session and the Senate immediately vote on confirmation of Executive Calendar No. 902, the nomination of Shereef Elnahal.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF SHEREEF M. ELNAHAL

Mr. TESTER. Mr. President, look, now more than ever, the Department of Veterans Affairs needs a steady hand to guide the Veterans Health Administration. This is the Nation's largest integrated healthcare system, and its job is to deliver quality and timely care to our veterans.

I rise today because in about 15 minutes, we are going to vote on the confirmation of Dr. Shereef Elnahal to run the Veterans Health Administration. He has an impressive record of leading healthcare systems and health agencies. Most recently, Dr. Elnahal served as president and CEO of University Hospital in Newark, NJ, and, previous to that, New Jersey's 21st health commissioner. But more importantly than that, Dr. Elnahal is committed to caring for the more than 9 million veterans in VA's care—a commitment he carried out as Assistant Deputy Under Secretary for Health for Quality, Safety, and Value at the Department.

It is no secret that VHA and healthcare systems and providers are going through a challenging time. The VA continues to battle the impacts of the COVID-19 pandemic, with veterans' cases and hospitalizations and deaths on the rise again. And VA staff are dealing with burnout and increased turnover.

In the past, this body has been able to rise above politics to install quali-

fied individuals at the VA responsible for getting vets the healthcare and benefits they need today.

This is also very, very important because the VA is in the process of putting in an electronic health record. It is going to be transformational—not only for the VA, but once it is done, it is going to be transformational for the country, but we have to get it done in the VA first. There have been some challenges. We need somebody with a steady hand helping meet those challenges. Dr. Elnahal is that person.

Today, in about 12½ minutes, we need to act to confirm Dr. Elnahal as the VA's next Under Secretary for Health, and I would encourage everybody in this body to vote for him, get him in, hold him accountable, and make sure that we are living up to the promises we have made to our veterans for the healthcare they have earned.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant executive clerk proceeded to call the roll.

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

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

Mr. TESTER. Mr. President, I would ask that all time be yielded back and that we start the vote immediately on Dr. Elnahal.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant executive clerk read the nomination of Shereef M. Elnahal, of New Jersey, to be Under Secretary for Health of the Department of Veterans Affairs.

VOTE ON ELNAHAL NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Elnahal nomination?

Mr. TESTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is 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), the Senator from Vermont (Mr. SANDERS), the Senator from Minnesota (Ms. SMITH), the Senator from Virginia (Mr. WARNER) and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: The Senator from Missouri (Mr. BLUNT), the Senator

from North Dakota (Mr. CRAMER), the Senator from Louisiana (Mr. KENNEDY), the Senator from Oklahoma (Mr. LANKFORD), the Senator from South Carolina (Mr. SCOTT), and the Senator from North Carolina (Mr. TILLIS).

The result was announced—yeas 66, nays 23, as follows:

[Rollcall Vote No. 267 Ex.]

YEAS—66

Baldwin	Gillibrand	Murray
Bennet	Graham	Ossoff
Blackburn	Grassley	Padilla
Blumenthal	Hagerty	Peters
Booker	Hassan	Portman
Boozman	Heinrich	Reed
Brown	Hickenlooper	Rosen
Burr	Hirono	Rounds
Cantwell	Hoeben	Sasse
Capito	Kaine	Schatz
Cardin	Kelly	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Sinema
Cassidy	Lujan	Stabenow
Collins	Manchin	Tester
Coons	Markey	Toomey
Cornyn	McConnell	Van Hollen
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Moran	Wicker
Feinstein	Murkowski	Wyden
Fischer	Murphy	Young

NAYS—23

Barrasso	Hyde-Smith	Romney
Braun	Inhofe	Rubio
Cotton	Johnson	Scott (FL)
Crapo	Lee	Shelby
Cruz	Lummis	Sullivan
Daines	Marshall	Thune
Ernst	Paul	Tuberville
Hawley	Risch	

NOT VOTING—11

Blunt	Leahy	Tillis
Cramer	Sanders	Warner
Kennedy	Scott (SC)	Warnock
Lankford	Smith	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. VAN HOLLEN). 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 action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session. The majority leader.

SERGEANT FIRST CLASS HEATH ROBINSON HONORING OUR PROMISE TO ADDRESS COMPREHENSIVE TOXICS ACT OF 2022

Mr. SCHUMER. Mr. President, it is my understanding the Senate has received a message from the House of Representatives to accompany S. 3373.

The PRESIDING OFFICER. The Senator is correct.

Mr. SCHUMER. I ask the Chair to lay before the Senate the message to accompany S. 3373.

The PRESIDING OFFICER. The Chair lays before the Senate the message from the House.

The senior assistant legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 3373) entitled "An Act to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant," do pass with an amendment.

MOTION TO CONCUR

Mr. SCHUMER. I move to concur in the House amendment to S. 3373.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to concur in the House amendment to S. 3373.

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

MOTION TO CONCUR WITH AMENDMENT NO. 5148

Mr. SCHUMER. I move to concur in the House amendment to S. 3373 with an amendment.

The PRESIDING OFFICER. The clerk will report the motion with an amendment.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to concur in the House amendment to S. 3373 with an amendment numbered 5148.

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

Mr. SCHUMER. I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 5149 TO AMENDMENT NO. 5148

Mr. SCHUMER. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 5149 to amendment No. 5148.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike "1 day" and insert "2 days".

Mr. SCHUMER. I ask unanimous consent that further reading of the amendment be dispensed with.

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

MOTION TO REFER WITH AMENDMENT NO. 5150

Mr. SCHUMER. I move to refer S. 3373 to the Committee on Veterans' Affairs with instructions to report back forthwith with an amendment.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to refer the bill to the Committee on Veterans' Affairs with instructions to report back forthwith with an amendment numbered 5150.

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 3 days after the date of enactment of this Act.

Mr. SCHUMER. I ask unanimous consent that further reading of the motion be dispensed with.

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

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 5151 TO INSTRUCTIONS

Mr. SCHUMER. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 5151 to the instructions of the motion to refer.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike "3" and insert "4".

Mr. SCHUMER. I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 5152 TO AMENDMENT NO. 5151

Mr. SCHUMER. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 5152 to amendment No. 5151.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike "4" and insert "5".

Mr. SCHUMER. I ask unanimous consent that further reading of the amendment be dispensed with.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant executive clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. CORTEZ MASTO). Without objection, it is so ordered.

TRIBUTE TO BETSY LAWER

Mr. SULLIVAN. Madam President, it is Thursday, and we are back at it with