

UNANIMOUS CONSENT REQUEST—  
EXECUTIVE CALENDAR

Mr. CASEY. Mr. President, I rise today to speak about the nomination of Robert Gordon. Earlier this year, Mr. Gordon had strong bipartisan support in the Finance Committee when his nomination came to a vote. Mr. Gordon is President Biden's nominee to serve as the Department of Health and Human Services Assistant Secretary for Financial Resources, and he has a long history of dedication to public service.

More recently, he served as director of the Department of Health and Human Services for the State of Michigan. He played a central role in the State's pandemic response and managed an agency of 14,000 employees and a multibillion-dollar budget.

Before that, he held senior roles in the U.S. Department of Education and the Office of Management and Budget, where he championed evidence-based policymaking to use taxpayer dollars wisely.

Earlier in his career, Mr. Gordon served as a senior official at the New York City Department of Education. He was a senior aide on Capitol Hill, a law clerk for Justice Ruth Bader Ginsburg, and a White House aide.

In his time at the White House, he supported the development of the AmeriCorps program.

In his long career in public service, he has worked to ensure that government programs work for those they serve and that they do so through responsible use of taxpayer dollars. Such experience is essential to the work of the Assistant Secretary for Financial Resources at the Department of Health and Human Services.

HHS has responsibility for critical programs like Medicare, Medicaid, and the Children's Health Insurance Program, just to name a few. The Assistant Secretary for Financial Resources must ensure that these programs and many others under the umbrella of the Department remain strong for future generations.

I ask unanimous consent that, as if in executive session, the Senate consider the following nomination: Calendar No. 762, Robert Michael Gordon, to be Assistant Secretary of Health and Human Services; 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 Tennessee.

Mr. HAGERTY. Mr. President, reserving the right to object, since last year, I have been asking for a commitment from my Democratic colleagues that any future reconciliation legislation in this Congress will not incorporate policies that will reduce access to care in nonexpansion States, such as Tennessee.

Specifically, my concern is that the reconciliation legislation that the House of Representatives passed last fall, which is the very vehicle for the reconciliation bill currently being discussed in the Senate, included provisions that cut DSH and uncompensated care pool payments for nonexpansion States. This would result in less healthcare for vulnerable populations in my State, it would accelerate hospital closures, and it would disadvantage rural communities. These are places and populations for which we are trying to secure more quality healthcare, not less.

Because I still have not received confirmation that these provisions will not be included in the final text of the partisan reconciliation bill, I cannot consent to expediting confirmation of this nominee and, therefore, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I want to respond, at least preliminarily, to my friend from Tennessee. I appreciate his advocacy for hospitals in his home State of Tennessee. So given that he is seeking this assurance about these disproportionate share hospital payments, my understanding is that the reconciliation bill we are about to consider this week does not contain any provisions that are directly relevant and any provision that would impact these disproportionate share hospitals or uncompensated care pool funding.

So given that and given that he is seeking this specific assurance about the pending reconciliation bill—and I think it is evident or will become evident that the bill does not contain these DSH provisions or uncompensated care payment cuts—I would ask him just this question, if he would entertain this question: If the Senate does pass a reconciliation bill, which I hope will be by the end of this week, and that bill is then subsequently enacted into law, will he lift his objection and allow this and other relevant HHS nominations to be confirmed by unanimous consent?

Mr. HAGERTY. Mr. President, I would like to respond to my friend from Pennsylvania.

That is a very reasonable request. We are getting ready to go through a process of which I have not yet seen the text—an amendment process that is hard to anticipate—and dread to think that there would be another wrap-around, that that could happen as well. But assuming that we get to an end point and this language that I have discussed is not in the bill—the same language that the House included is not in this bill—I would be more than happy to lift my objection.

Mr. CASEY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

## REMEMBERING JACKIE WALORSKI

Mr. YOUNG. Mr. President, I come to the floor this evening, first, wanting to take a moment to join Senator BRAUN in remembering a good friend to each of us, our colleague Congresswoman JACKIE WALORSKI. She tragically passed away in a horrible car accident earlier today.

I, for one, am truly devastated. I know that JACKIE loved the State of Indiana. She loved the Hoosiers throughout the State. She had an incredible sense of humor, incredibly smart, and was so talented in many ways. And she will be missed.

I join countless Hoosiers, and I know that Senator BRAUN is, in praying for her husband Dean, for her entire family, and for all those who came to love and respect JACKIE.

I know that so many throughout the State are mourning her passing this evening, and so many will have important things to say about their interaction with her and how fond they were of her.

It also should be said that two other Hoosiers passed in this horrible accident, members of her dedicated staff: Emma Thomson and Zach Potts. We pray for all of them.

CONDEMNING THE ATTACK THAT  
OCCURRED IN GREENWOOD, INDIANA,  
ON JULY 17, 2022

Mr. YOUNG. Mr. President, today, we are also on the floor to talk about a different tragedy in the State of Indiana. On July 17, there was a terrible shooting that occurred at the Greenwood Park Mall, just miles from my home, which resulted in the death of three innocent victims.

Now, it could have easily been one of my neighbors or our friend, or, I remind myself, it could have been a member of my family who passed away there in the food court on that very day.

As this resolution that we are introducing today states, the U.S. Senate condemns this shooting and any violent action that seeks to bring harm to other individuals. We grieve the loss of fellow Hoosiers Victor Gomez and Pedro and Rosa Pineda, and we pray for their families. But we are also grateful for the heroes on the scene that day, for the first responders, our healthcare workers, as well as a young man named Eli Dicken.

Eli was in the food court that evening. He was legally carrying his own firearm, and when the shooting began, he used his weapon to bring down the shooter. Were it not for his poise during those brief moments, his brave and selfless actions, this shooting would have been far worse. So I ask all my fellow Americans to remember the victims and the heroes of this tragedy, and I urge passage of this resolution.

The PRESIDING OFFICER. The Senator from Indiana.

## REMEMBERING JACKIE WALORSKI

Mr. BRAUN. Mr. President, earlier today, in the normal course of the day, I get the tragic news that my good friend, one of the first persons I met when I was exploring the idea of becoming a Senator, JACKIE WALORSKI, was tragically killed in a car accident.

All of us are on the road a lot, and you spend those hours—endless, sometimes—and you never imagine that one day that could happen. When I heard that, it is like the ultimate gut punch.

Emma Thomson, Zach Potts, died along with her—three Hoosiers whom we will miss. It is hard to come up with the words to say: How did that happen and how do you get through it?

But for most of us, and especially in my case with JACKIE, she was one of the first great Hoosiers I got to know on my own journey. She will be missed and our condolences to all of the families.

## CONDEMNING THE ATTACK THAT OCCURRED IN GREENWOOD, INDIANA, ON JULY 17, 2022

Mr. BRAUN. Mr. President, I rise today to honor the memory of the victims of a senseless act of violence in Greenwood, IN, a southern suburb of Indianapolis.

The lives taken that day were enjoying what should have been a fun July day with family and friends. In a moment's notice, lives were changed forever when a deranged killer tragically took the lives of three people. This is happening far too often, and so often it seems to have something to do with mental illness. This is just another example of how it plays out in the real world.

They will never be forgotten.

This resolution also expresses hope for the full recovery of those injured in the attack as well.

I want to mention the victims by name. I think that is important: Pedro Pineda, Rosa Mirian, Rivera de Pineda, and Victor Gomez. You have to remember the people, their names, because this happens far too often.

Within a mere 15 seconds of the shooter opening fire, a citizen by the name of Elisjsha Dicken, a 22-year-old from Seymour, IN, down in my part of the State, rose and stopped the rampage. Thank goodness for him. If not for his courageous action, the violence surely would have been much worse. I am proud to acknowledge the man, the young man, for defending himself and others in a valiant act of bravery in the face of unimaginable danger.

Hoosiers are united in mourning for those lost in this senseless attack, and we pray for their families to find peace in the memory of their loved ones.

Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 740, which is at the desk. I further ask that the resolution be agreed to, the preamble be agreed to, and that the mo-

tions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 740) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

The PRESIDING OFFICER. The Senator from Kansas.

## UNANIMOUS CONSENT REQUEST—S. RES. 741

Mr. MARSHALL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 741, which is at the desk. I further ask that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I have read and reread the Senator from Kansas's resolution. As best I can determine, it is a declaration of war. For that reason, it should be taken very seriously. He says, in the earliest stages of the preamble, to express the sense of the Senate regarding the constitutional right of State Governors to repel the dangerous ongoing invasion at the U.S. southern border.

The operative language at the end of his resolution on this decoration of war relates to a provision in the Constitution which is rarely quoted. It is section 10 of article I. I would like to read it into the record. It says:

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

I am trying to understand the thinking of the Senator from Kansas, but here is the best I could come up with. He says that what is happening at the southern border with our immigration issues is, in his words, "actual invasion of the United States." And then goes on to say:

Governors of all 50 States possess the authority and power as Commander in Chief of their respective States to repel the invasion described in paragraph 2.

So as best I can determine, the Senator from Kansas is suggesting that each Governor has the power to initiate military action. It doesn't say who the enemy will be or who the target will be. But according to this provision in the Constitution, these Governors can enter into compacts with other States for this military action or with a foreign power.

I don't know if the Senator from Kansas has thought this through, this idea that the State of Kansas would team up with the State of Arizona and declare war on Nicaragua. Is that what he is thinking because Nicaraguans are presenting themselves to the border? I would suggest that I have never seen a declaration of war that calls on the States to take such action, and the only time—the only precedent in our history was a sad one that involved the Civil War in the United States.

I don't know if the Senator is anticipating similar State action—State by State or combination of States—attacking a foreign power. For that reason and many others, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kansas.

Mr. MARSHALL. Mr. President, I rise to ask passage by unanimous consent, my resolution to express the sense of the Senate that the unprecedented crisis at the southern border constitutes an invasion of the United States of America and that it is the constitutional right of State Governors to repel the dangerous ongoing invasion across the southern border.

I encourage my colleagues to support this resolution because the Federal Government has failed—intentionally or unintentionally—to uphold its obligations to protect the States from invasion under article 4, section 4 of the U.S. Constitution.

During his campaign to become President, Joe Biden made it clear to the entire world that if he became President, America would be open—not open for business but that our southern border would be open, wide open, for anyone and everyone to violate our Nation's immigration laws and to take advantage of America's generosity. Yes, it would be wide open for drug smugglers, convicted murderers, domestic abusers, and sex offenders, open for terror suspects.

In 2019, Joe Biden called for "all those people seeking asylum" to immediately surge to the border. He pledged free healthcare for illegal immigrants and pledged support for sanctuary cities. One of his first actions as President was ending proposed legislation to Congress that would provide a path to citizenship for 10 to 12 million illegal aliens residing in the United States.

On his first day in office, he halted construction of President Trump's border wall and halted the "Remain in Mexico" program.

This open border—opened by Joe Biden—has resulted in an unprecedented, unrelenting massive wave of illegal aliens entering our country.

Last year, Border Patrol made more than 1.7 million arrests of illegal immigrants along the southern border, which is the highest level ever recorded, and is on pace to arrest more than 2 million illegal immigrants along our border during this fiscal year.

And now that Joe Biden is prepared to end the title 42 policy that enabled