

the gag rule, a gag rule. Now, normally when we think of a gag rule, we think of something that tells someone who is otherwise free to speak that they may not speak. It is, in fact, what happens when we don't allow people to live. It is what happens to all these baby girls who are never allowed to be born precisely because they are female. And make no mistake, when we fund abortions overseas, that is what is happening. It happens a lot in countries that receive our aid in the absence of the Mexico City policy. Some of that goes to these organizations that perform abortions.

In many of these countries, sex-selective abortions are not only tolerated culturally, they are commonplace. They are excessive. As a result, these baby girls never get to be born. They never get to become women. They never get to speak in the first place. That is a form of gagging. That is not OK.

Regardless of how you feel about abortion, regardless of whether you think that is a baby, a human life, or whether you think it is something else—I am not sure what else it could be. When someone becomes pregnant, we know that is the potential of what will one day be a human being. Absent a death—whether a natural death or a death brought about by someone's actions or by the operation of a disease or medical condition or surgical intervention in the case of abortion—it is a person. We shouldn't lose sight of that.

I have difficulty accepting the premise that the only solution to this is continuing to fund organizations that perform or advocate for abortions overseas. I reject the premise that anything we do in this area to withhold those funds will necessarily result in more abortions.

As far as the suggestion that organizations could receive these funds and still perform abortions and that not translate into U.S. dollars being used to perform abortions, I reject that premise as well for the same reason that I reject the premise that Planned Parenthood isn't using taxpayer dollars to perform abortions. It is. It is spent differently. It is a matter of accounting, but it sustains and supports an organization that itself advocates for and performs many abortions. These are, in fact, human lives, and the American people are, in fact, very uncomfortable with the idea that we are funding abortions with their taxpayer dollars, and we are doing it overseas. We shouldn't do that. This shouldn't be controversial. I look forward to the day when it is not.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, just to be clear, I understand my colleague's point, but I think I have highlighted and I want to emphasize again the limited purposes for which our taxpayer dollars are used and the advocacy, the healthcare, the contraception, HIV screening and treatment—

world health—that would be prevented by this legislation.

I think that is an unintended consequence. Maybe, it is unintended that it is gargantuan in its potential impact, and, therefore, I continue my objection.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

ONE-YEAR ANNIVERSARY

Mr. PADILLA. Mr. President, I am here to speak on a nomination, but before I do, a point of personal privilege.

It was 1 year ago today that I had the honor of being sworn in as a Member of this Senate. As I hope my wife is watching at home on C-SPAN 2, I just want to thank her for her love and support throughout this first year. I couldn't have done it without her.

And I thank, of course, the Presiding Officer and all of our colleagues for the tremendous support and experience that this last year has been.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. President, with respect to the Thomas nomination, I ask unanimous consent that 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. Without objection, it is so ordered.

CONFIRMATION OF HOLLY A. THOMAS

Mr. PADILLA. Mr. President, I was hoping to rise prior to the vote just a little while ago but was consumed with the agenda in the Senate Judiciary Committee this morning.

So in lieu of speaking prior to the confirmation vote, I rise to applaud the confirmation of Judge Holly Thomas to the U.S. Court of Appeals for the Ninth Circuit. Judge Thomas is a dedicated advocate for equality under the law and has made a career of fighting to ensure the civil rights of all Americans.

A proud native of San Diego, CA, and a graduate of Yale Law School, Judge Thomas spent 10 years working on civil rights litigation and appeals. That time included litigating at the NAACP Legal Defense Fund, in the U.S. Department of Justice's Civil Rights Division, and in the New York Solicitor General's Office.

In each of these roles, Judge Thomas was a tireless advocate for equal justice. She proved to be a skillful appellate lawyer, an insightful thinker, and a valued colleague.

She returned to California in 2016 to serve as the chief liaison between the California Department of Fair Employment and Housing and the Governor's Office. The State Department of Fair Employment and Housing is California's largest civil rights regulatory body, and in her role there Judge Thomas dedicated herself to protecting workers and families from unlawful discrimination, working closely with then-Governor Brown.

Recognizing her outstanding work and her tremendous talent, Governor

Brown appointed her to the Los Angeles County Superior Court in 2018. Now, this appointment was a full-circle moment for a person whose love of the law was nurtured by her supportive parents starting at a very young age. Judge Thomas's parents, when she was a young girl, would take her to watch court proceedings. Why? So that she could imagine what a career as a lawyer would look like.

Decades later, as a judge on the superior court, Judge Thomas actually requested to serve in the family law division because of her empathy for families going through a difficult process and experience in court.

Now, as the first person in her family to go to college after high school, Judge Thomas knows what it is like to navigate unfamiliar institutions. She is also the granddaughter of sharecroppers, and she is a passionate fighter for equal justice.

Since her appointment, Judge Thomas has proven her excellence as a jurist, as a neutral arbiter, and a compassionate voice for justice both in family court and on the California Court of Appeal, where she served in a pro tem capacity for 6 months.

Judge Thomas's compassion is matched by her legal acumen. Throughout her career, she has distinguished herself with thoughtful analysis, expert judgment, and unshakeable commitment to civil rights.

I know—and I am thrilled—that Judge Thomas will serve with distinction on the Ninth Circuit, and I congratulate her on this very well-deserved confirmation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

UKRAINE DEMOCRACY DEFENSE LEND-LEASE ACT

Mr. CORNYN. Mr. President, yesterday I was dismayed to hear the President of the United States suggest that a Russian invasion of Ukraine might not provoke a powerful response by the United States and our allies.

Now, I am grateful that the Press Secretary did issue a statement subsequently which seemed to clarify the strong commitment that the American people—from the administration to the Members of Congress—have to assist our Ukrainian allies in their efforts to deter or defeat Russian aggression. I believe we have a duty to stand with Ukraine and our European allies as they attempt to defend their democracies.

Strong language and threats of sanctions have their place, but they are not enough to deter Vladimir Putin. We need to take concrete steps to deter the likelihood of a Russian attack in any form.

But it is not just the executive branch of the U.S. Government that

has a role to play. We in Congress have a role we can play, too, in sending a very clear message to Vladimir Putin that we will not stand idly by while he attacks a neighbor, a democracy, and a potential future member of NATO.

To that end, I have introduced bipartisan legislation called the Ukraine Democracy Defense Lend-Lease Act to ensure Ukrainian forces have the weapons that they need to deter that aggression and defend, if necessary, against a Russian invasion.

Of course, students of history remember the importance of lend-lease back in World War II, back when America was officially neutral in the conflict initiated by Nazi Germany in Europe and during a time when the American people were of an isolationist frame of mind.

Recognizing the importance of throwing a lifeline to Great Britain and our other allies, Congress passed on a bipartisan basis the Lend-Lease Act, which ultimately resulted in \$30 billion worth of materiel being delivered to Britain and our other allies to help them defeat Nazi Germany.

So, in a similar vein, this legislation authorizes the President to enter into lend-lease agreements with Ukraine and provide the military equipment necessary to protect the Ukrainian people from Russian aggression. No one is suggesting that American troops should be on the ground, but we are saying clearly that it is our responsibility to provide the Ukrainians everything they need in order to defend themselves.

This legislation would once again, in the immortal words of Franklin Delano Roosevelt, allow us to serve as the arsenal of democracy, just as we did in World War II, and provide Ukraine with the lethal weapons they need to protect themselves against the Russian threat.

Make no mistake, America stands with Ukraine, and we will do everything we can, again, on a bipartisan basis—the executive branch, the legislative branch—to support our friends and to defeat a Russian invasion and allow them to protect their democracy.

Vladimir Putin's stated concerns about Ukraine are completely a false narrative, particularly with regard to his stated concerns about Ukraine becoming a part of the North Atlantic Treaty Organization, which, as we all know, is purely defensive in nature.

Vladimir Putin has called the fall of the Soviet Union one of the greatest geopolitical tragedies of the 20th century, and clearly he is of a mind to regain that lost territory as a result of the fall of the Soviet Union and, if necessary, do it by force. That is what Putin is up to, and we should not be confused about that.

I am proud to have worked with Senators CARDIN and WICKER and Senators SHAHEEN, GRAHAM, and BLUMENTHAL on this legislation, and I hope more of our colleagues—again, on a bipartisan basis—will join us in advancing this

bill and making sure that our Ukrainian friends have everything they need to deter, if possible, Russian aggression and, if that is not possible, to make sure that Vladimir Putin pays a heavy price for attacking Ukraine.

BIDEN ADMINISTRATION

Mr. President, on another matter, it was 1 year ago today when we were all on the Capitol steps on a cold January 20, 2020, following the election of Joe Biden as President of the United States and KAMALA HARRIS as Vice President. Exactly 365 days ago, we were out there on the Capitol steps and heard what I believed to be an important and welcomed speech by the President, where the President said he would serve to be a unifying force in Washington.

He said:

[W]ithout unity there is no peace, only bitterness and fury. No progress, only exhausting outrage. No nation, only a state of chaos.

Wonderful, inspirational words.

But now we find ourselves, a year into the Biden administration, with a lot of bitterness, fury, and outrage over the many failures and missteps of this administration. One of the pillars of the President's campaign was the promise of a strong Federal response to the pandemic.

Mr. Biden said:

I am never going to raise the white flag and surrender. We're going to beat this virus. We're going to get it under control, I promise you.

That is a quote.

One year later, we are nowhere close to having this virus under control. New daily cases are breaking records, threatening the capacity of intensive care units and hospitals across the country. Healthcare workers are once again exhausted after having been pushed to their limits—mentally and physically. And, perhaps most embarrassingly, affordable, reliable tests are increasingly hard to come by.

We know testing is one of the most valuable resources we have when it comes to this virus. I remember calling my Governor, and I said: What do you need, Governor?

This is at the beginning of the pandemic.

He said: I need two things.

He said: I need testing, and I need PPE—personal protective equipment.

Well, that is another story about our vulnerable supply chains and the fact that we have outsourced the manufacturing of personal protective equipment to China, which is the main reason we had a lack of access to what we needed.

But as to testing, the sooner positive cases are identified, the better equipped we are as individuals to quarantine ourselves, seek medical attention—if necessary—or, if all else fails, to just ride out the virus without infecting other people.

Even before taking the oath of office, President Biden promised to make free testing widely available. But months and months went by without the President taking any significant action to prevent the current testing shortage.

Last month, the White House Press Secretary even mocked a reporter who asked if the United States should provide free at-home tests, just as other countries have done around the world. It looks like it took swift criticism of her remark to finally prompt some action. Just a couple of days ago, the White House launched a website for people who wanted to request free at-home tests. But I am afraid it is a case of too little, too late.

Many experts have said that Omicron has already peaked in parts of the country. By the time these tests ship, which the website says could take 7 to 12 days, we will be even closer to the beginning of the end of this current wave of Omicron.

Instead, the White House could have purchased and distributed massive quantities of tests at any point over the last year, but it did not do so. Increased access to testing could have lessened the impact of the Omicron variant over the summer as well as the contagious variant that we are confronting today. So it shouldn't take bad press to force the administration to action, especially when they made a commitment to free testing early on but, obviously, were unprepared for Omicron and the wave of new cases.

Unfortunately, the President has broken another big promise about his plan to address the pandemic. He vowed that public health decisions would be made by public health professionals, not politicians.

Once again, things have played out quite a bit differently. Here is one example. Last February, the Centers for Disease Control released a report that said that schools are not a breeding ground for COVID-19 and that as long as precautions are taken, schools could open safely.

Well, Congress did not skimp when it came to providing financial resources to the States and school districts to take those appropriate precautions to help preserve the safety of our children. But the science was at odds with the demands of a key political constituency—teachers unions, which wanted schools to remain closed even if the teachers were vaccinated and appropriate safety measures could be taken to protect the schoolchildren. We all know which side the administration chose. It ignored the science and stood with their political constituency, the teachers' unions.

When the President's big promise of a strong pandemic response failed to meet the need, he shifted the responsibility to the States. He said: I am going to do it. The Federal Government is going to do it. But then, amazingly, pivoted and said: Well, this is not my responsibility. This is not the Federal Government's responsibility. This is the State's responsibility.

Just a few weeks ago, he actually said these words. He said: There is no Federal solution. This gets solved at the State level.