

our economy. It cannot be overstated how significant a rail strike would be to our national supply chain. With fall harvest, particularly for my State, that is a huge concern, and it is vitally important that we avoid a rail strike.

On the energy front, North Dakota is a huge provider of energy for this Nation. So it is very important. Whether it is our energy producers or energy producers across this country, we need to empower our domestic energy production. We also need to get our debt and deficit under control. We need to help our farmers and ranchers produce the highest quality, lowest cost food supply in the world. We need to address the supply chain issues that continue to be disruptive to our economy and create more inflation.

The Biden administration needs to stop with the tax-and-spend agenda if we are to get this inflation under control.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### VOTE ON PEKOSKE NOMINATION

Mr. HOEVEN. Mr. President, I ask unanimous consent that the vote scheduled for 1:45 p.m. commence.

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

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

Mr. HOEVEN. 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. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from Texas (Mr. CRUZ), the Senator from Iowa (Ms. ERNST), the Senator from Kansas (Mr. MORAN), and the Senator from South Carolina (Mr. SCOTT).

The result was announced—yeas 77, nays 18, as follows:

[Rollcall Vote No. 338 Ex.]

#### YEAS—77

Baldwin	Coons	Kaine
Barrasso	Cornyn	Kelly
Bennet	Cortez Masto	Kennedy
Blumenthal	Crapo	King
Blunt	Duckworth	Klobuchar
Booker	Durbin	Leahy
Brown	Feinstein	Lujan
Burr	Fischer	Lummis
Cantwell	Gillibrand	Manchin
Capito	Graham	Markey
Cardin	Grassley	McConnell
Carper	Hassan	Menendez
Casey	Heinrich	Merkley
Cassidy	Hickenlooper	Murkowski
Collins	Hirono	Murphy

Murray	Sasse	Tillis
Ossoff	Schatz	Toomey
Padilla	Schumer	Van Hollen
Peters	Shaheen	Warner
Portman	Shelby	Warnock
Reed	Sinema	Warren
Risch	Smith	Whitehouse
Romney	Stabenow	Wicker
Rosen	Sullivan	Wyden
Rounds	Tester	Young
Sanders	Thune	

#### NAYS—18

Blackburn	Hawley	Lee
Boozman	Hoeven	Marshall
Braun	Hyde-Smith	Paul
Cotton	Inhofe	Rubio
Daines	Johnson	Scott (FL)
Hagerty	Lankford	Tuberville

#### NOT VOTING—5

Cramer	Ernst	Scott (SC)
Cruz	Moran	

The nomination was confirmed. (Mr. VAN HOLLEN assumed the Chair.)

The PRESIDING OFFICER (Ms. CORTEZ MASTO). Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action and the Senate will resume legislative session.

#### LEGISLATIVE SESSION

THE PRESIDING OFFICER. The Senate will now resume legislative session.

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

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

#### BUSINESS BEFORE THE SENATE

Mr. SCHUMER. Madam President, I thank my colleagues from Oklahoma and Nebraska for letting us go forward.

In a few moments, I will file cloture on a measure that will get the Senate to approve the Kigali Amendment to the Montreal Protocol.

This important amendment, which already has been agreed to by 120 countries, will affirm our Nation's commitment to curb the use of dangerous hydrofluorocarbons, HFCs. These hypertoxic chemicals are regularly found, unfortunately, in everyday appliances from air conditioners to refrigerators.

In December of 2020, we passed the AIM Act, which took a drastic step to limit HFCs and was one of the most significant climate accomplishments ever, of course, until we passed the Inflation Reduction Act a month ago.

HFCs need to be dealt with as soon as possible because they are thousands—thousands—of times more damaging to our atmosphere than carbon dioxide. So this is a very important opportunity for the Senate to make official America's intention to phase these dangerous chemicals out of use.

Approving this amendment will require two-thirds of the Senate. Reduc-

ing our country's use of HFCs has been a bipartisan priority in the past, so both parties should work together to accelerate passage of this measure.

Also, I will file on the nomination of Judge Florence Pan to serve as a circuit court judge for the D.C. Circuit, one of the most important judicial appointments we can make. After the Supreme Court, the D.C. Circuit Court of Appeals is the most important Federal court in the country with jurisdiction over cases involving Congress and the entire executive branch. The judges who preside on the D.C. Circuit must be individuals of high character, unsailable qualifications.

A few months ago, we elevated someone who meets these standards when confirming Michelle Childs to the bench, and we intend to do it again with Judge Pan's nomination.

Looking ahead, confirming even more of the President's judicial nominees will be a priority for the Senate.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 1067.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Florence Y. Pan, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

#### CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1067, Florence Y. Pan, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Charles E. Schumer, Christopher Murphy, Tammy Baldwin, Tina Smith, Christopher A. Coons, Elizabeth Warren, Jeanne Shaheen, Jeff Merkley, Alex Padilla, Richard J. Durbin, Jack Reed, Gary C. Peters, Edward J. Markey, Sherrod Brown, Tim Kaine, Ben Ray Lujan, Mazie Hirono.

#### LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

## AMENDMENT TO MONTREAL PROTOCOL (“KIGALI AMENDMENT”)

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 2, Treaty Document No. 117-1.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the treaty.

The senior assistant legislative clerk read as follows:

Calendar No. 2, Treaty Document, the Amendment to Montreal Protocol (“Kigali Amendment”).

Mr. SCHUMER. I ask unanimous consent that the treaty be considered as having advanced through the various parliamentary stages up to and including the presentation of the resolution of advice and consent to ratification.

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

The Resolution of Advice and Consent to Ratification is as follows:

## TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION

*Resolved (two-thirds of the Senators present concurring therein),*

## SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION

The Senate advises and consents to the ratification of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the “Montreal Protocol”), adopted at Kigali on October 15, 2016, by the Twenty-Eighth Meeting of the Parties to the Montreal Protocol (“The Kigali Amendment”) (Treaty Doc. 117-1), subject to the declaration of section 2.

## SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

The Kigali Amendment is not self-executing.

## CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 2, Treaty Document No. 117-1, amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the “Montreal Protocol”), adopted at Kigali on October 15, 2016, by the Twenty-Eighth Meeting of the Parties to the Montreal Protocol (the “Kigali Amendment”) and a resolution of advice and consent to ratification with 1 declaration.

Charles E. Schumer, Robert Menendez, Tammy Baldwin, Christopher Murphy, Mazie Hirono, Martin Heinrich, Christopher A. Coons, Benjamin L. Cardin, Margaret Wood Hassan, Sheldon Whitehouse, Alex Padilla, Brian Schatz, Patty Murray, Jacky Rosen, Edward J. Markey, Richard

Blumenthal, Angus S. King, Jr., Thomas R. Carper.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, September 15, be waived.

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

Mr. SCHUMER. I ask unanimous consent that the filing deadline for first-degree amendments to Calendar No. 2, Treaty Document No. 117-1 be at 4 p.m. on Monday, September 9.

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

## EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate consider the following nominations en bloc: Calendar Nos. 1066, 1141, 1142, 1143, 1144; all nominations on the Secretary's desk in the Foreign Service; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions 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. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nominations of Geoffrey R. Pyatt, of California, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (Energy Resources); Nathaniel Fick, of Maine, to be Ambassador at Large for Cyberspace and Digital Policy. (New Position); Rolfe Michael Schiffer, of New York, to be an Assistant Administrator of the United States Agency for International Development; PATRICK LEAHY, of Vermont, to be a Representative of the United States of America to the Seventy-seventh Session of the General Assembly of the United Nations; JAMES E. RISCH, of Idaho, to be a Representative of the United States of America to the Seventy-seventh Session of the General Assembly of the United Nations; and PN2170-1 FOREIGN SERVICE nominations (163) beginning Donald R. Alderman, and ending John M. Grondelski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 19, 2022?

The nominations were confirmed en bloc.

## LEGISLATIVE SESSION

## MORNING BUSINESS

Mr. SCHUMER. I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business with senators permitted to speak therein for up to 10 minutes each.

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

## SHIREEN ABU AKLEH

Mr. LEAHY. Madam President, on May 19, I echoed Secretary of State Blinken's call for an “independent, credible investigation” of the violent death of widely respected Palestinian-American journalist Shireen Abu Akleh. At that time, several Members of Congress called for the FBI to be involved, as did I. That would be customary and appropriate after a tragedy like this involving a prominent American killed overseas under questionable circumstances.

Secretary Blinken later said, and I agree, that “[w]hen that investigation happens, we will follow the facts, wherever they lead. It's as straightforward as that.”

Unfortunately, there has been no independent, credible investigation. Two weeks ago, without providing any details, the Israeli Government, after first blaming the Palestinians for Ms. Abu Akleh's death, stated that she was likely shot, by mistake, by an unnamed Israeli soldier. The State Department has concluded that gunfire from Israeli Defense Force—IDF—positions was likely responsible, but that there was “no evidence to indicate her killing was intentional.” The Department acknowledges that conclusion was not the result of an investigation, but rather a review of information provided by the IDF and the Palestinian Authority—PA. We are told that “the Administration continues to believe that cooperation among Israel, the Palestinian Authority, and the U.S. Security Coordinator (USSC) is the best path to support a thorough, transparent, and impartial investigation.”

No one can credibly think that the PA, which does not have access to the IDF soldier who likely fired the bullet that killed Ms. Abu Akleh or to other IDF personnel who may have information about it, or Israel which has a history of investigations of shootings by IDF soldiers that rarely result in accountability, can be completely relied on to determine and make public all the facts of what happened in this case. The USSC, echoing the conclusion of the IDF, apparently did not interview any of the IDF soldiers or any other witnesses. To say that fatally shooting an unarmed person, and in this case one with “PRESS” written in bold letters on her clothing, was not intentional, without providing any evidence to support that conclusion, calls into question the State Department's commitment to an independent, credible investigation and to “follow the facts.”

More than 3 months later, key questions remain unanswered.

Other than reviewing the investigations conducted by the IDF and the PA, did the USSC review any of the evidence collected from other investigations, including those conducted by the New York Times, the Washington Post, CNN, the Associated Press, or the Office of the United Nations High Commissioner for Human Rights? If so, which of those other investigations did