

international organizations that that is the view of the United States, and we need to encourage the Secretary of State, which is exactly what my amendment does, to make sure the U.N. and other countries agree with us on that.

I encourage all of my colleagues to vote yes on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent that I be permitted to conclude my comments before the vote.

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

Mr. MENENDEZ. Madam President, I rise today to once again urge my Senate colleagues to take the bipartisan, practical pro-manufacturing step of providing advice and consent to ratifying the Kigali Amendment.

Each of the four previous amendments to this treaty, the Montreal Protocol, have enjoyed overwhelming bipartisan support in the Senate, and Kigali should be no different.

Our companies are clear. They want us to approve this treaty so that they can maximize their export potential of cutting-edge chemicals that they have pioneered. They want us to approve the treaty. It will generate billions of dollars in economic activity and create thousands of jobs here at home in the United States.

They are also clear that if we fail to ratify, they stand to lose. They will be locked out of export markets in key products. American workers will suffer, which is why the National Association of Manufacturers, the U.S. Chamber of Commerce, and impacted industries all support the action we are prepared to take.

Now, I have heard the concerns that some colleagues have raised about China and how it benefits from its antiquated status as a “developing country” under the Montreal Protocol. Frankly, it is a fair point to raise, but it should have no bearing on whether we join Kigali.

The simple fact is, whether we join Kigali or not has no impact on whether China is treated as a developing country—none. On the other hand, ratifying Kigali will have a major positive benefit for us because China has doubled down on yesterday’s chemicals, and we, the United States, lead on all the alternatives. Joining Kigali will turn the world away from China and its companies and towards our competitive strength. It is good for the United States and our businesses, and it is bad for China. However, I also recognize the plain fact that China is no longer a developing country, and I agree that it should not enjoy advantages under the Montreal Protocol that it received because of decisions made more than 30 years ago.

I have been a steadfast champion of addressing the challenges China presents as they are, not as we hope for

them to be. I led passage of the Strategic Competition Act and my Taiwan Policy Act, which was recently voted out of the Foreign Relations Committee on an overwhelming bipartisan basis. So I have no problem acknowledging that China should no longer qualify as a developing country, and for that reason, I support the Lee-Sullivan amendment.

The Senate’s constitutional role on treaties is both unique and vital. What we are doing today will directly, positively—if we adopt ratification—impact American workers, American businesses, and American consumers. It will meet our challenge against China. It will create greater security at home. It will create great prosperity. There are few things that we do in the Senate that can improve our economy, create jobs, and meet the challenge of China in this one dimension.

For all of those reasons, I urge my colleagues to support providing advice and consent for the Kigali Amendment after the Sullivan amendment is considered.

TREATY DOCUMENT NO. 117-1

Mrs. CAPITO. Mr. President, as the current ranking member of the U.S. Senate Committee on Environment and Public Works—EPW—Committee, I submit these comments to provide the Senate with additional information on the existing domestic authority to phasedown the production and consumption of hydrofluorocarbons, HFCs. The EPW Committee has jurisdiction over air pollution, and in the 116th Congress, managed the development of the domestic authority to implement the Kigali Amendment. See 218 Cong. Rec. S7926, daily ed. Dec. 21. 2020, statement of then-EPW Chairman JOHN BARRASSO, then-EPW Ranking Member TOM CARPER, and Sen. JOHN KENNEDY.

As the Senate Committee on Foreign Relations clearly states in Senate Executive Report 117-2, no further legislation is required to implement the Kigali Amendment and the Amendment is not self-executing. New authority is not granted to the U.S. Environmental Protection Agency—EPA—through ratification.

In section 103 in division S of the Consolidated Appropriations Act, 2021, the American Innovation and Manufacturing—AIM—Act of 2020, P.L. 116-260, was enacted. That law established a new, national program administered by the EPA to phasedown the production and consumption of certain HFC substances due to their significant global warming potential. Specifically, the AIM Act requires the EPA to implement an 85 percent phasedown of the production and consumption of regulated HFC substances, requiring levels to reach approximately 15 percent of their 2011–2013 average annual levels by 2036.

The AIM Act provides all the necessary authorities to phasedown the production and consumption of HFCs

in the United States in line with U.S. obligations under the Kigali Amendment and is already being implemented by the EPA. In October 2021, the EPA issued a final rule establishing the allowance allocation for 2022 and 2023, along with establishing a trading program for HFCs. 86 Fed. Reg. 55,116, Oct. 5, 2021. As stated in that final agency action, the Kigali Amendment and the AIM Act have “a nearly identical list of HFCs to be phased down following the same schedule,” *Id.* at 55,124. The EPA is currently developing regulations to update allowance allocations and the trading program for 2024 and later years.

I thank my colleagues at the U.S. Senate committee on Foreign Relations for providing a clear Congressional statement that no new legislation is required and that the Kigali Amendment is not self-executing. As Congress has already enacted the required domestic implementing legislation, I support ratification.

Mr. MENENDEZ. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Under the previous order, all postcloture time has expired.

AMENDMENT WITHDRAWN

Under the previous order, amendment No. 5503 is withdrawn.

VOTE ON AMENDMENT NO. 5518

The question is on agreeing to amendment No. 5518.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. RISCH).

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 342 Ex.]

YEAS—96

Barrasso	Cornyn	Hickenlooper
Bennet	Cortez Masto	Hirono
Blackburn	Cotton	Hoover
Blumenthal	Cramer	Hyde-Smith
Blunt	Cruz	Inhofe
Booker	Daines	Johnson
Boozman	Duckworth	Kaine
Braun	Durbin	Kelly
Brown	Ernst	Kennedy
Burr	Feinstein	King
Cantwell	Fischer	Klobuchar
Capito	Gillibrand	Lankford
Cardin	Graham	Lee
Carper	Grassley	Luján
Casey	Hagerty	Lummis
Cassidy	Hassan	Manchin
Collins	Hawley	Markey
Coons	Heinrich	Marshall

McConnell	Rosen	Sullivan
Menendez	Rounds	Tester
Merkley	Rubio	Thune
Moran	Sanders	Tillis
Murkowski	Sasse	Toomey
Murphy	Schatz	Tuberville
Murray	Schumer	Van Hollen
Ossoff	Scott (FL)	Warner
Padilla	Scott (SC)	Warnock
Paul	Shaheen	Warren
Peters	Shelby	Whitehouse
Portman	Sinema	Wicker
Reed	Smith	Wyden
Romney	Stabenow	Young

NOT VOTING—4

Baldwin	Leahy
Crapo	Risch

The amendment (No. 5518) was agreed to.

VOTE ON RESOLUTION OF RATIFICATION
(NO. 117-1)

The PRESIDING OFFICER (Mr. OSSOFF). The question occurs on agreeing to the resolution of ratification, as amended.

Mr. CARPER. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. RISCH).

The yeas and nays resulted—yeas 69, nays 27, as follows:

[Rollcall Vote No. 343 Ex.]

YEAS—69

Bennet	Hassan	Portman
Blumenthal	Heinrich	Reed
Blunt	Hickenlooper	Romney
Booker	Hirono	Rosen
Boozman	Hyde-Smith	Rubio
Brown	Kaine	Sanders
Burr	Kelly	Sasse
Cantwell	Kennedy	Schatz
Capito	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Luján	Sinema
Casey	Manchin	Smith
Cassidy	Markey	Stabenow
Collins	McConnell	Tester
Coons	Menendez	Tillis
Cortez Masto	Merkley	Van Hollen
Duckworth	Moran	Warner
Durbin	Murkowski	Warnock
Ernst	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wicker
Graham	Padilla	Wyden
Grassley	Peters	Young

NAYS—27

Barrasso	Hagerty	Paul
Blackburn	Hawley	Rounds
Braun	Hoeven	Scott (FL)
Cornyn	Inhofe	Scott (SC)
Cotton	Johnson	Shelby
Cramer	Lankford	Sullivan
Cruz	Lee	Thune
Daines	Lummis	Toomey
Fischer	Marshall	Tuberville

NOT VOTING—4

Baldwin	Leahy
Crapo	Risch

The PRESIDING OFFICER (Mr. HICKENLOOPER). On this vote, the yeas are 69, the nays are 27.

Two-thirds of the Senators present, a quorum being present, having voted in

the affirmative, the resolution of ratification is agreed to.

The resolution of ratification, as amended, is as follows:

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

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO DECLARATIONS AND A CONDITION

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 declarations of section 2 and the condition of section 3.

SECTION 2. DECLARATIONS

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

(1) The Kigali amendment is not self-executing.

(2) The People’s Republic of China is not a developing country, and the United Nations and other intergovernmental organizations should not treat the People’s Republic of China as such.

SEC. 3. CONDITION.

The advice and consent of the Senate under section 1 is subject to the following condition: Prior to the Thirty-Fifth Meeting of the Parties to the Montreal Protocol, the Secretary of State shall transmit to the Secretariat of the Vienna Convention for the Protection of the Ozone Layer a proposal to amend Decision I/2E, “Clarification of terms and definitions: developing countries,” made at the First Meeting of the Parties, to remove the People’s Republic of China.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Amanda Bennett, of the District of Columbia, to be Chief Executive Officer of the United States Agency for Global Media.

The PRESIDING OFFICER. The majority leader.

TREATY DOCUMENT NO. 117-1

Mr. SCHUMER. Mr. President, this is a very good day. We have just passed the Kigali Amendment to the Montreal Protocol on a strong bipartisan basis. This is a win-win-win: win for U.S. jobs, win for U.S. investment, and win for U.S. leadership in the fight against climate change.

We have talked a lot about how this amendment will help U.S. businesses, U.S. jobs, and U.S. competitiveness overseas, but let’s talk about how important this amendment will be for protecting our planet.

Ratifying the Kigali Amendment, along with passing the Inflation Reduction Act, is the strongest one-two punch against climate change any Congress has ever undertaken.

Let me say that again: Ratifying the Kigali Amendment, along with passing the Inflation Reduction Act, is the strongest one-two punch against cli-

mate change any Congress has ever taken.

In fact—amazing statistic, folks—people don’t pay attention to this one, but it is vital. Experts say that phasing out our use of HFCs will help prevent up to half a degree Celsius of warming by the end of the century.

That is worth repeating as well. Experts say that phasing out our use of HFCs will help prevent up to half a degree Celsius of warming by the end of the century.

It is an easily overlooked victory, but a massive one, all coming from eliminating this family of dangerous chemicals, which are a thousand times more deadly per molecule than carbon dioxide.

And on top of it all, ratifying this amendment will give U.S. businesses a huge leg up. It will open exports to new international markets, generate tens of billions in new investments and help create tens of thousands of good-paying jobs, and we will get a much needed edge against Chinese businesses that still lag behind in developing viable HFC alternatives.

Under Kigali, our exports will increase while China will lose out. So, once again, ratifying the Kigali Amendment is a win-win-win: a win for U.S. jobs, a win for U.S. investment, and, most of all, a win for our global campaign to defeat the climate crisis and preserve our planet for future generations.

I want to thank my colleague from Delaware who has been such a persistent advocate on this legislation. And there are so many others—the Senators from New Mexico and Hawaii and Delaware—who have worked so hard on it as well. I thank them for their steadfastness. The globe, our globe, is rejoicing today because of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I want to thank our leader for his leadership.

None of this would have happened without your leadership. I want to thank your staff.

I want to thank the relative respective staffs on our side here and the Senators especially on the Environment and Public Works Committee.

I want to especially thank our friend JOHN NEELY KENNEDY from Louisiana, who has been a great partner, and his staff and other folks on the other side of the aisle.

My mother used to say to my sister and me when we were kids, she would say that things happen in threes. I remember she would say things happen in threes, and given what the leader just said, I am thinking about threes and especially with respect to making sure that this planet is going to be around for our children and grandchildren.

But if you go back to the bipartisan infrastructure bill signed into law roughly 10 months ago by the President, we did a whole lot there, you will