

money-funded amici. Based on questioning from the Court Republicans at oral argument, this case looks almost certain to go in the scheme's favor.

Pause to consider what this means. The NRA basically cloned itself to amplify its voice before the Court, just as other scheme front groups have done in other cases, in wave upon orchestrated wave of amicus briefs, washing into the cases that matter to the scheme's big donors.

And when those little orchestrated flotillas or the big orchestrated armadas show up at the Court to signal what they want, they always get what they want from the dark money majority at the Court—always. Maybe not all they want always—some groups ask for more than others. Some signal where they want the Court to go in future cases, not just what they want in this case. But the response from the Republicans on “the Court that dark money built” is clear. They heed the dark money signals every single time.

Our Supreme Court is awash in dark money influence, with flotillas of dark-money-funded front groups—front groups that don't bother to “offer value,” that aren't even real, in the sense that they have no real business or function, that exist merely to signal their donors' desired outcomes, while hiding their donors' identities.

It is an armada of fakery that the court indulges. This fakery lets a small, wealthy, donor elite manufacture sham allies to get themselves a bigger say at the Supreme Court than everyone else. They are out to get the Court to do stuff for them that Americans don't want and that Congress won't vote for. But with a captured Court, they can get what they want, and they do.

The American people may not be able to see all of the rot, but they can see enough to know that something is rotten over there across First Street at that Court. We must set it right.

To be continued.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 117-1

Mr. WHITEHOUSE. Mr. President, as if in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 16, 2021, by the President of the United States: Amendment to Montreal Protocol “Kigali Amendment,” Treaty Document No. 117-1. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith 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”). The report of the Department of State is also enclosed for the information of the Senate.

The principal features of the Kigali Amendment provide for a gradual phasedown in the production and consumption of hydrofluorocarbons (HFCs), which are alternatives to ozone-depleting substances being phased out under the Montreal Protocol, as well as related provisions concerning reporting, licensing, control of trade with non-Parties, and control of certain byproduct emissions.

The United States has sufficient domestic authority to implement obligations under the Kigali Amendment, including through the American Innovation and Manufacturing Act of 2020 (the “AIM Act”) and the Clean Air Act. The Environmental Protection Agency's recent rulemakings under the AIM Act establish a domestic HFC allocation system and other provisions that would enable the United States to begin implementation of the provisions of the Kigali Amendment.

The Kigali Amendment has strong support from the U.S. business community and nongovernmental organizations. Ratification by the United States would advance U.S. interests in remaining a leader in the development and deployment of HFC alternatives, ensuring access to rapidly growing refrigeration and cooling markets overseas and stimulating U.S. investment, exports, and job growth in this sector. Ratification will also ensure the United States continues to have a full voice to represent U.S. economic and environmental interests as implementation of the Kigali Amendment moves forward in coming years.

The Kigali Amendment entered into force on January 1, 2019, and there are currently 124 Parties to the Amendment. The Senate has given its advice and consent to ratification of all four previous amendments to the Montreal Protocol, with bipartisan support. I recommend that the Senate give favorable consideration to the Kigali Amendment and give its advice and consent to ratification at the earliest date.

JOSEPH R. BIDEN, Jr.,  
THE WHITE HOUSE, November 16, 2021.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en

bloc: Calendar Nos. 466, 509, and 358; that the Senate vote on the nominations en bloc without intervening action or debate; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nominations be printed in the Record; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

The question is, Will the Senate advise and consent to the following nominations, en bloc: subject to qualifications provided by law, the following for Director, National Oceanic and Atmospheric Administration Commissioned Officer Corps and Office of Marine and Aviation Operations to be Rear Admiral, Nancy A. Hann; Willie L. Phillips, Jr., of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for a term expiring June 30, 2026; and Richard Trumka, Jr., of Maryland, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2021?

The nominations were confirmed en bloc.

#### LEGISLATIVE SESSION

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

#### NATIONAL COLLEGE APPLICATION MONTH

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 449, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 449) designating November 2021 as “National College Application Month”.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions 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. 449) was agreed to.

The preamble was agreed to.  
(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

#### HONORING THE LIFE AND LEGACY OF THE LATE SENATOR MAX CLELAND

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S.

Res. 451 regarding Max Cleland submitted earlier today.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 451) honoring the life and legacy of the late Senator Max Cleland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent 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. Without objection, it is so ordered.

The resolution (S. Res. 451) was agreed to.

The preamble was agreed to.

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

#### NATIONAL HOMELESS CHILDREN AND YOUTH AWARENESS MONTH

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 452, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 452) recognizing November 2021 as "National Homeless Children and Youth Awareness Month".

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions 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. 452) was agreed to.

The preamble was agreed to.

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

#### MEASURE PLACED ON THE CALENDAR—S. 3206

Mr. WHITEHOUSE. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 3206) to repeal the provisions of the Infrastructure Investment and Jobs Act that impose new information reporting requirements with respect to digital asset transfers.

Mr. WHITEHOUSE. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

#### ORDERS FOR WEDNESDAY, NOVEMBER 17, 2021

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, November 17; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Nelson nomination.

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

Mr. WHITEHOUSE. For the information of the Senate, there will be two rollcall votes at 10 a.m. on cloture on the Nelson nomination and cloture on the motion to proceed to the NDAA.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the provisions of S. Res. 451 and do so as a further mark of respect honoring the life and legacy of the late Senator Max Cleland.

There being no objection, the Senate, at 6:36 p.m., adjourned until Wednesday, November 17, 2021, at 9:30 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate November 16, 2021:

##### DEPARTMENT OF AGRICULTURE

ROBERT FARRELL BONNIE, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM PRODUCTION AND CONSERVATION.

##### CONSUMER PRODUCT SAFETY COMMISSION

RICHARD TRUMKA, JR., OF MARYLAND, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2021.

##### DEPARTMENT OF THE TREASURY

GRAHAM SCOTT STEELE, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR DIRECTOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS AND OFFICE OF MARINE AND AVIATION OPERATIONS.

*To be rear admiral*

NANCY A. HANN

##### DEPARTMENT OF JUSTICE

JONATHAN KANTER, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

##### FEDERAL ENERGY REGULATORY COMMISSION

WILLIE L. PHILLIPS, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR A TERM EXPIRING JUNE 30, 2026.