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Senate

The Senate met at 10 a.m. and was called to order by the Honorable PETER WELCH, a Senator from the State of Vermont.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Most holy and gracious God, who turns the shadow of night into morning, satisfy our hearts with Your mercies, that we may rejoice and be glad all the day. Abide with the Members of this body, permitting the light of Your countenance to calm every troubled thought and to guide their feet in the way of peace. Lord, perfect Your strength in their weakness and help them to serve You and country to the glory of Your Name. In a world so uncertain about many things, make our Senators sure of no light that illuminates their pathway will lead them into darkness. Give our Senators the courage to see the truth and wisdom and to humbly follow where it leads.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 21, 2023.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PETER WELCH, a Senator from the State of Vermont, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. WELCH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO "CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES: HEAVY-DUTY ENGINE AND VEHICLE STANDARDS"—VETO

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the veto message with respect to S.J. Res. 11, which the clerk will report.

The senior assistant legislative clerk read as follows:

Veto message to accompany S.J. Res. 11, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to "Control of Air Pollution From New Motor

Vehicles: Heavy-Duty Engine and Vehicle Standards".

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

S.J. RES. 11

Mr. MCCONNELL. Mr. President, earlier this year, the Senate made use of the Congressional Review Act to push back on a particularly dangerous part of the Biden administration's radical approach to environmental policy.

Our colleague, the senior Senator from Nebraska, put forward a resolution that would prevent the administration from implementing even stricter emission standards on the trucks and heavy equipment that literally drive our economy.

The nitrogen oxide emissions of new trucks on the market today are already 98 to 99 percent lower than they were in the late 1990s. So we are talking about regulation in search of a problem.

In order to keep up with the rule President Biden's EPA released in December, heavy-auto manufacturers would be forced to add a dizzying array of new technologies to their products. By one estimate, the new regulations could raise the cost of a new truck by \$42,000—\$42,000, just to keep pace with the changing whims of unelected bureaucrats in Washington.

As truckers themselves have warned, the EPA's latest overreach would drive many of them to stick with "older, less-efficient trucks or leave the industry entirely." And, needless to say, higher costs for the men and women behind the wheel means higher costs for fuel, food, and other essentials at the store. But that didn't stop President Biden from vetoing Senator FISCHER's commonsense resolution.

Well, today, we will vote one more time, and we will find out, once and for all, whether Washington Democrats care more about keeping pace with leftwing climate activists than helping

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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working families contend with the runaway inflation that they helped create.

NATIONAL SECURITY

Mr. President, on another matter, as I have discussed at length, America's partners in the Indo-Pacific understand the link between Russian aggression in Europe and the threat of Chinese aggression closer to home. Japan and Taiwan have devoted serious resources to Ukraine's defense, but our friends are also wisely strengthening their own defenses.

Last year, Taiwan's government put forward its largest defense budget proposal ever—ever—a 14-percent increase in top-line spending, along with greater attention to territorial defense, longer service requirements for conscripts, and a focus on whole-of-government resilience.

Japan has a new transformational strategy. Prime Minister Kishida's government is pursuing new long-range strike capabilities, increasing defense spending, and buying SM-6 interceptors. In a sign of deepening cooperation with the United States, it has expanded its defense industrial capacity by building facilities to assemble F-35s in Japan.

South Korea is also deepening its security cooperation with the United States, expanding its defense industrial capacity and providing military capabilities to key American allies over in Europe.

President Yoon and Prime Minister Kishida have also worked to improve relations between their two countries and open the door for increased cooperation with America in the face of an increasingly belligerent North Korea.

The Philippines is engaging in regular joint exercises in the South China Sea and working closely with the United States on enhanced defense cooperation sites that improve our interoperability.

And, earlier this year, Australia reached an agreement with the United States and the United Kingdom to procure nuclear-powered conventional submarines—the biggest defense investment in the nation's entire history.

In other words, our friends are putting their money where their mouths are. That is important because so has the People's Republic of China.

Beijing has made historic investments in its own military modernization. PRC defense spending has grown every year for almost three decades, but in each of the last 2 years, it has jumped by at least 7 percent. And, needless to say, China's official statistics tend to be obscure as much as they reveal.

While our most hostile strategic adversary is accelerating its military investments, the Biden administration asked Congress to shrink—shrink—spending on America's Armed Forces in real dollars.

Today, our colleagues on the Armed Services Committee will mark up the

National Defense Authorization Act, beginning the Senate's annual work on tending to our Nation's common defense.

Facing down a common threat is a chance for the United States and our partners to grow the defense industrial base we will need to sustain effective deterrence in the Indo-Pacific. It is an opportunity to reform America's sluggish foreign military sales procedures, promote interoperability, and expand joint exercises and access agreements across the region.

If we are serious about deepening our defense industrial cooperation, America and our partners must make it easier to work together to share technology and intelligence and to align our defense investments. We need to streamline regulations that can prevent our partners from investing in their own defense bases in closer cooperation with the United States.

Of course, this is not a one-way street. America can also benefit from technologies our partners are developing, if our regulations and bureaucracies simply allow it. Our agreement with the UK and Australia could represent a transformational new approach to collective security.

If the Biden administration wants this partnership to succeed, it should consider providing broader country exemptions for defense trade licenses for those closest allies, similar to what we already do with Canada. Very simply, it is an opportunity we cannot afford to miss.

So China's bid for hegemony in the Indo-Pacific extends far beyond investments in naval vessels and new missile technologies.

The PRC has poured billions of dollars into development projects in vulnerable island nations out in the Pacific. So make no mistake, if the United States and our partners fail to work together to maintain robust deterrence on behalf of a free and open Indo-Pacific, China will be all too happy—all too happy—to fill the void.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

BORDER SECURITY

Mr. CORNYN. Mr. President, under Biden's leadership, the United States has experienced an unprecedented border crisis. That is not exactly news because for the last 2½ years, Customs and Border Protection has encountered more than 5.2 million migrants at the border, plus another 1½ million “got-aways.”

In other words, under our bizarre and broken immigration system, 5.2 million people basically were welcomed at the border, while another million and a half simply fled the Border Patrol and made their way into the interior of the United States.

Now, it is true out of the 5.2 million under title 42, the COVID-19 order, basically public health order, that 2.6 million of the 5.2 were returned to their country of origin or at least expelled out of the United States. That

was a public health order, but that is gone. That is expired. That has served its time.

So under any scenario, you can conclude that under President Biden's tenure, millions of people have made their way into the United States, not using the legal pathways that are designed to make our immigration system safe, orderly, and humane—something that I know we all support, legal immigration—instead, President Biden's failures, when it comes to border policy, has resulted in transnational criminal organizations controlling immigration, and they also control the drug trafficking that makes its way across the border.

And as was acknowledged by the Attorney General, Merrick Garland, when he was testifying before the Judiciary Committee, I believe he said he understood that this was part of the business model of these organizations, these criminal organizations. They would flood the border with people, and as the Border Patrol was diverted to try to deal with that mass of humanity, including unaccompanied children, that left huge gaps in the border which were then exploited by the drug cartels to move drugs into the interior of the United States.

Rather than secure the border or make any attempt to deter illegal immigration, the Biden administration has allowed the chaos to continue for nearly 2½ years.

Now, inexplicably, the President claims this is all part of his plan to promote safe, orderly, and humane migration, but there is nothing safe about the journey migrants take to the United States in the hands of cartels, coyotes, and ordinary criminals.

There is nothing orderly about migrants using inflatable rafts and ropes to cross the Rio Grande where some meet their death when they drown. And there is nothing humane about what is happening in the United States now as a result of the border crisis.

First, let's look at what happens to the children. Since President Biden took office, more than 300,000 unaccompanied children have been encountered at the border and then placed with a sponsor in the interior of the United States. To be clear, these children did not arrive in the United States with their parents. These children made the dangerous journey north with basically any adult who is willing to convey them from their home, across the border, into the United States.

But the truth is, these children are not unaccompanied. They are accompanied by the criminals who make this their business. The sad reality is that many come to the United States in the care of cartels, human smugglers, and coyotes, and parents pay smugglers thousands of dollars to bring their children to the United States.

I have no doubt that when those children reached the United States, their parents thought they would be safe. After all, this is the greatest country

in the world, a country that values freedom, justice, and opportunity. I am sure their parents expected they would live safe and happy lives while their asylum claims are being considered, but we know the ugly truth.

We know now that countless children have experienced a new hell right here in the United States. The New York Times, for example, published two bombshell investigative reports detailing widespread exploitation of migrant children here in our country. Some children are being forced to work in meatpacking plants, food processing facilities, and construction jobs—underage children. These are not part-time jobs after school; these are full-time jobs instead of going to school, in violation of many States' child labor laws.

They are being treated as indentured servants as they try to pay off the debts they owe to the traffickers who brought them here. And there is no question the Biden administration understands what is going on, and, yes, their silence is complicity. Once unaccompanied children are apprehended and processed at the border, the Department of Health and Human Services has the legal responsibility to place these children with a safe sponsor.

According to longstanding policy, the agent follows up with a phone call 30 days later to make sure that the child is safe. On both counts—the preplacement vetting and the post-placement wellness check—the Biden administration has completely fumbled its responsibilities.

Health and Human Services actually loosened the vetting requirements in order to get children out of shelters fast—as fast as possible—with little regard for the increased danger to these children.

The New York Times has documented that at least 85,000 of those 300,000 children cannot even be reached within 30 days. So the practice is to make a wellness call in 30 days, but 85,000 of those 300,000 children, there is no answer.

So the Biden administration can't tell you where these children are, whether they are being fed, whether they are going to school, whether they are being neglected or abused or forced into involuntary labor. President Biden's administration doesn't know, and I think the sad truth is they don't care—because if they did care, this would not be allowed to continue.

This isn't breaking news. This isn't something I am announcing here today for the first time. Two major investigative pieces by the New York Times has exposed this scandal.

Over the last couple years, the Department of Health and Human Services has received countless warnings that these children are in danger. Those warnings came through its own hotline, government contractors, and scores of employees who sounded the alarm. Not only did Health and Human

Services ignore the warnings of whistleblowers, it tried to silence them.

Department leadership retaliated against employees who shined a light on this massive abuse. As a result, countless children have remained in dangerous situations just so the administration could avoid an embarrassing PR headache.

As we know, the tens of thousands of migrant children who have been lost—literally lost—by the Biden administration are not the only victims of the border crisis.

Now, I sometimes ask myself, what is it going to take? How bad are things going to have to get before this situation registers with enough people of good conscience and good will that they are actually willing to do something about it? And I am constantly disappointed that in spite of the scandal, we can't find enough people of good will and good intentions here in the U.S. Senate to change this, to make it better, to throw a rescue line to these kids.

But the story gets worse. We know the fentanyl epidemic has killed more than 70,000 people a year in the United States just last year, making it the leading cause of death for Americans ages 18 to 49—the leading cause of death. We know that the fentanyl epidemic does not discriminate. It kills young people. It kills old people. It kills rich people. It kills poor people, both those living in major cities and those living in rural America.

And we know the overwhelming majority of this fentanyl comes across the U.S.-Mexico border. Again, this is not breaking news. This is something known to all of us, including the Biden administration.

We also know where the precursor chemicals come from. These are chemicals shipped from China, shipped to Mexico, where the drug cartels mix them up. They use industrial-sized pill presses to gin out hundreds of thousands of pills that are contaminated with fentanyl.

Now, most of the time people who get poisoned by fentanyl don't actually know they are taking fentanyl. They may think they are taking a Xanax or Percocet or some other more innocuous medication, something we would prefer our kids not to take, but we understand sometimes that happens.

But they have no idea that a tiny dose of fentanyl can kill them and that many of these pills ginned out by the drug cartels, using these precursor chemicals in Mexico, are then shipped across the border and, unfortunately, routinely, take the lives of young, bright children who have the best of their lives ahead of them.

Between October of last year and April of this year, Customs and Border Protection seized more than 12,000 pounds of fentanyl at the southern border. Again, if you have a pencil—and I don't have a pencil, but I have a pen—it is basically the part of the pen that sticks out of the end of the part you

hold onto. It takes that little amount of fentanyl to kill you. And last year, Customs and Border Protection seized 17,000 pounds of it.

Now, some people say: Well, that is great. We don't have a problem. The Border Patrol seized it. Well, you remember those "got-aways" I mentioned earlier, more than a million of them? They were running away from law enforcement, and I guarantee you it was for a reason. Either they knew that their criminal record and background would not make it possible for them to legally migrate into the United States or they were carrying drugs like this fentanyl. And we know a lot of it is getting through because we are seeing the devastation that it has wrought—again, with 71,000 fentanyl-related deaths last year alone. So we know CBP is not able to interdict every ounce of illicit drugs—far from it.

Over the past couple years, the unprecedented border crisis under the Biden administration has affected all of our missions at the border, including those that have nothing to do with immigration. Law enforcement has been shifted to the frontlines in order to process and care for the migrants. Instead of stopping dangerous drugs and criminals, many agents are pushing paper and changing diapers.

No one is happier with this situation than the drug cartels and the criminals who smuggle migrants for money. They are getting rich. What is not to love from their standpoint? With fewer agents on the frontline, they have a clear and easy path to move fentanyl, heroine, methamphetamine, and other deadly drugs into the United States, and our communities are being ravaged by the overdose epidemic. The administration has given the cartels clear and easy corridors to traffic even more of their poison into the United States, as I have described.

Well, this is hardly a picture of a humane response to the border crisis, as President Biden and his administration claim. This is not humane.

Well, as I said earlier, sometimes I ask myself, what will it take? What will it take to get the attention of the people who actually have the authority to change this, to make it better, to save lives? Because hearing about these crises is enough to make your blood boil.

The administration cut corners in order to place migrant children with sponsors. It exerted minimal effort to follow up with those children to ensure they are safe and healthy. At the same time, the chaos caused by the border crisis has led to a security breakdown which enables fentanyl and other dangerous drugs to pour into the United States, killing Americans—108,000 last year alone.

Despite the widespread suffering caused by the Biden administration's policies, the President and his senior officials just don't seem to care. They don't care. If they did care, they would

do something about it. So it is clear to me they don't care.

There is a clear need to secure the border and stop the unprecedented migration crisis, but the majority of our Democratic colleagues refuse to address the border crisis unless Congress passes what they call comprehensive immigration reform. So, in other words, they are holding these children, they are holding the rest of the country hostage in order to achieve a legislative goal which they know is not possible—one, because we have a divided government: a Republican-controlled House and a Democratic-controlled Senate and a Democrat sitting in the White House.

There is no question that America's immigration system is in need of modernization. It is outdated, inefficient, and crippled by backlogs. But, as everyone knows, immigration reform is a very, very difficult, thorny issue. For 2 years, our Democratic colleagues controlled all three branches of government, and they couldn't even pass a partisan immigration bill. Now that we are operating in divided government, that calculus becomes harder, not easier.

There is absolutely zero chance that the Democrat-led Senate and the Republican-led House will be able to reach an agreement on immigration reform anytime soon. I wish that were not true. It doesn't have to be true, but I think, unless attitudes change, that is a fact.

Still, this elusive idea of comprehensive immigration reform has become a holdup for other problems relating to the border and immigration. In other words, these emergencies occurring at the border are being held hostage to an impossible goal, which is passing bipartisan immigration reform as a demand for solving these other problems.

Right now, the major problem we need to address is the humanitarian crisis fallout from what is happening. We can't prolong the suffering caused by the border crisis while our Democratic colleagues try to build support for a massive immigration reform bill that many of them seem to have zero interest in, because if they had interest, I assume they would be rolling up their sleeves and doing the hard work, doing more than just talking about it.

For example, in the Senate, the Democratic chairman of the Judiciary Committee has jurisdiction to mark up and presumably pass with some combination of Republican and Democratic votes a bill to address the crisis that I mention. The Democratic majority leader has the authority to bring a bill to the floor, to open it to amendments so that all Senators can participate to try to find out if there is some path forward and some consensus. But in the 2 years our Democratic colleagues controlled all three branches of government, they did zero about it.

That means that the young adults who are in a box because of deferred action on childhood arrivals—this is an

illegal scheme that President Obama did unilaterally 10 years ago which has been tied up in litigation ever since and is likely to be held illegal by a court of last resort here very soon.

So trying to address that, trying to address the drug crisis, trying to protect these 300,000 children—all of that is being held hostage for our Democratic colleagues to pursue an unattainable goal given the current political environment.

Migrant children are being abused within our own borders. Drugs kill about 109,000 Americans a year. We cannot leverage these lives for unrelated and unattainable measures.

There is nothing safe, orderly, or humane about the Biden administration's response to the border crisis, and until something changes, more people will continue to suffer and die.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

The Republican whip.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. THUNE. Mr. President, this week, the Senate Armed Services Committee is marking up the fiscal year 2024 National Defense Authorization Act. The NDAA is one of the most important pieces of legislation we consider literally every year. It is a bill that authorizes funding for our men and women in uniform and our defense needs and lays out our defense priorities. Hopefully, it is one of the things that force us to sit down and seriously consider the state of our national defense and what we need both now and in the future to ensure that America's military is prepared to deter and if necessary confront any threat.

I like to say that if we don't get national security right, the rest is conversation. And it is true. All these other things we debate and talk about, if we can't protect the country, really end up being very secondary. The security of our Nation is the precondition for everything else—for the continued enjoyment of our freedoms, for a flourishing society, for a healthy economy, for the government's ability to do anything.

My Democratic colleagues these days often seem to think we can let defense spending take a back seat to the latest Big Government issue, but that betrays a fundamental lack of understanding of reality. We live in a fallen world, and as long as we live in a fallen world, there will be evil people bent on aggression. So our national defense is not something we can ever afford to minimize or take for granted. We have to be prepared at all times to deter and to meet any threat.

The United States has a reputation for having one of the strongest militaries in the world. While that reputation is deserved, the fact of the matter is that our military readiness is not where it needs to be. Thanks to budgetary impasses and increased operational demands, by 2018, our readiness had eroded to the point that the bipartisan National Defense Strategy Commission released a report warning that we might struggle to win a war against a major power like Russia or China.

While we have made progress since then, we are still a long way from where we need to be. Recent U.S. war games positing a U.S.-China conflict following an attack on Taiwan have had grim results, showing enormous military and economic costs on both sides. One news story on these war games noted, and I quote:

And while the ultimate outcome in these exercises is not always clear—the U.S. does better in some than others—the cost is [clear]. In every exercise the U.S. uses up all its long-range air-to-surface missiles in a few days, with a substantial portion of its planes destroyed on the ground.

Let me just repeat that line.

In every exercise the U.S. uses up all its long-range air-to-surface missiles in a few days, with a substantial portion of its planes destroyed on the ground.

That is not a promising scenario, and it points to serious readiness shortages, particularly deficiencies in our inventory of munitions. I don't need to tell anyone that the side that runs out of munitions first is likely to be the side that loses in any conflict, which is why we need sustained investments in rebuilding our supply chain—an effort that is reinforced by multiyear purchases.

China is flexing its power with increasingly aggressive actions in the Indo-Pacific. It is investing heavily—heavily—in its military. China's defense budget has doubled over the last decade, and this year it will increase by more than 7 percent for the second year in a row. That doesn't even count any additional defense funding that China hides. So it should come as no surprise that China is outpacing our military in modern capabilities like hypersonic missiles and has amassed a larger navy.

I said that China is growing increasingly aggressive in the Indo-Pacific, but China is also growing increasingly aggressive toward the United States. Everyone remembers the Chinese spy balloon that flew over our country earlier this year, but that is just the tip of the iceberg. Recent reports indicate that China is using Cuba as a base for intelligence gathering against the United States. Now it has emerged that China is in discussions with Havana to establish a new joint military training facility in Cuba. That is not even to mention the aggressive behavior of the Chinese military toward U.S. assets in the Indo-Pacific.

It is impossible to overstate the necessity of ensuring that we have the

military and economic strength necessary to deter attacks from China or, in the worst case, confront and defeat them.

While China is obviously a major focus, we cannot forget the threat posed by Russia, as we continue to see in Ukraine, which is why it is vital that the United States and the Western world continue to support Ukraine in its fight and that NATO members take seriously or exceed their commitment to spend 2 percent of their GDP on defense.

Outside of great power threats, there are rogue nations like Iran, which is deepening its ties with both Russia and China and is dangerously close to becoming a nuclear power.

The legislation the Senate Armed Services Committee is considering this week is vital, and I hope the markup will produce a strong bill that helps address the shortfalls in our readiness.

I put forward a number of proposals that I hope will be included in the final legislation, with full funding for development of the new B-21 bomber, which will be housed at Ellsworth Air Force Base in South Dakota, at the very top of my priority list.

I am also working to ensure that, in addition to funding for the B-21 and the necessary support facilities, the Ellsworth area gets the resources it needs to support the military personnel and their families who will be coming to the area with the arrival of the B-21s.

Ronald Reagan once said:

We know only too well that war comes not when the forces of freedom are strong, but when they are weak. It is then that tyrants are tempted.

Today, as ever, it is vital that we make sure the forces of freedom are strong, and I will do everything I can to help ensure that this year's National Defense Authorization Act advances our Nation's readiness so that we can be prepared to deter any threat or meet it if called upon.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF NATASHA C. MERLE

Mrs. GILLIBRAND. Mr. President, I am honored to stand in support of Natasha Merle, whom I was proud to nominate for the U.S. District Court for the Eastern District of New York.

Ms. Merle is a deeply experienced litigator. She has practiced at virtually every level of the legal system, and she has litigated in both State and Federal courts, handling both civil and criminal matters.

Ms. Merle doesn't just have the experience and training necessary for the Federal bench; she also brings a crucial

and unique perspective as a former public defender. If confirmed, she would not only be the fourth Black woman on the district court but also the first person with experience as a public defender to fill this role in nearly 30 years.

Ms. Merle has demonstrated fairness in the courtroom and will uphold the rule of law as a judge. Nineteen senior lawyers from prominent national and international law firms submitted a letter in support of her confirmation. And I can tell you that her high ethical standards and reputation for fairness will leave a powerful mark on our communities and on the Eastern District of New York.

I hope she will receive a swift confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

S.J. RES. 11

Mrs. FISCHER. Mr. President, in just a moment, the U.S. Senate will vote to override President Biden's veto of my legislation that would stop yet another aggressive environmental regulation.

This specific regulation is an EPA rule that would impose stricter emissions standards on heavy-duty vehicles. While this might sound well-intentioned, let's be very clear about the facts.

First, the EPA's own economic analysis projects that the cost to Americans associated with this new regulation could reach up to \$55 billion from 2027 to 2045. That is because, when you force truckers to purchase new, expensive equipment in the name of climate, you are asking the American people to foot the bill. Any product transported by trucks, whether that is food headed to your local grocery store or something that you bought off of Amazon, each one of these products will cost more due to massive inflationary burdens this rule will place on the trucking industry. That means every American consumer will feel the effects of this rule and its price increases.

Every agriculture producer and every local business will feel its effects. If you are an ag or an energy-heavy State like Texas, Pennsylvania, West Virginia, Illinois, Nebraska, California, or Montana, your local economy will be especially impacted by these higher freight costs.

That is not to mention the 3 million Americans who work as commercial truckers. Many truckers work for mom-and-pop operations—small businesses that simply don't have the financial resources to handle a spike in cost. Many of these businesses and the good-paying jobs that they support won't survive this rule.

And do you know? The real irony here is that the way this "green" regulation is structured, it actually undermines its own stated goal of reducing emissions. Think about it. If the price of newer vehicles shoots up, the government is incentivizing businesses to hold on to their older, higher emitting trucks.

So let's tell it like it is. The Biden administration's emissions rule is a political move that won't even be effective. The administration is making an ineffective climate statement at the expense of millions of Americans' livelihoods.

We in the Senate should know that we are not playing a political game of chess. We are dealing with real people. We are not moving pawns. That is why my CRA passed the Senate and the House with bipartisan support, and that is why we need to push back against the President's insistence on playing these regulatory games, because working families don't have the luxury for these games. They are reeling from inflation and economic turmoil caused by this administration.

So I would encourage my colleagues to join me in choosing our economy, our truckers, and, ultimately, the American people over another politically charged mandate from a power-hungry White House.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

TAX CONVENTION WITH CHILE

Mr. MENENDEZ. Mr. President, this year marks the 20th anniversary of diplomatic ties between the United States and Chile and 20 years since Congress approved a free-trade agreement between our two countries.

In April, I led a codel to Chile. I had a chance to meet with Chile's leaders and American businesses operating there. We were a bipartisan group. I went with Senator KAINE, Senator HAGERTY, and Congressman TONY CÁRDENAS.

We met with tech companies. We met with insurance companies. We met with mining companies—you name it. Do you know what every single one of them said to us? Do you know what they all wanted from the U.S. Senate? To approve the Chile tax treaty.

They said, if the United States doesn't ratify the treaty, they will continue to be at a huge disadvantage. The world is changing—we are undergoing an energy transition—and without this treaty, we are going to fall behind on critical minerals and manufacturing of the future.

And they are right. China already has a tax treaty with Chile. If the United States wants to level the playing field for American businesses and deepen our ties with Chile, we need to act.

Chile is one of our strongest democratic partners in the Americas, and the Chileans want us to ratify the treaty as well. We heard that message loud and clear when we spoke to the President and senior Members of Chile's Senate. We heard it from the Speaker of the Chilean Congress, and we heard it directly from President Gabriel Boric, a strong democratic leader who seeks closer ties with the United States.

We live in a world with increased global competition and in a contest between democracy versus

authoritarianism. The United States needs to be strategic about how we deepen our relationships with key democratic partners like Chile and President Boric. We must avoid unnecessary delays that undercut our competitiveness.

Remember, we signed this agreement in 2010—that was 13 years ago—and this would be only our third bilateral tax treaty in all of Latin America. China is not waiting around. So, if we want to be competitive, we need to move forward with the same determination, and the Chile tax treaty is an incredible opportunity in that regard.

Chile is an important market for U.S. goods and manufacturing, including aircraft, vehicles, and machinery. Chile is a leading producer of copper, and Chile has the second largest lithium reserves in the world. This critical mineral is the building block for many modern technologies.

As global demands skyrocket in the coming years—by as much as nearly 4,000 percent—this tax treaty will make it easier for U.S. businesses to be competitive in this emerging sector.

U.S. businesses and their Chilean counterparts want predictability and consistency in tax treatment. As they continue to scale up operations and as the United States and Chile forge even stronger economic ties, they want to know that they won't be taxed twice on the same income in two different countries. That is why the Chile tax treaty has overwhelming support from the U.S. private sector.

The U.S. Chamber of Commerce has expressed its resounding support for the treaty. It has support from U.S. companies across a range of industries and sectors. And the treaty enjoys strong bipartisan support as is evidenced by the fact that it passed the Senate Foreign Relations Committee by a nearly unanimous vote of 20 to 1.

By approving this treaty, we not only give the Senate's stamp of approval right now, but we have high hopes for where this treaty will take our two nations in the future.

While we are debating this tax treaty, I do want to take a minute to speak about how we engage on treaties more broadly. Treaties are a shared constitutional responsibility of the Senate and the executive branch. Nonetheless, as we worked last year to move the Chile tax treaty through the Senate, the Biden administration withdrew from our tax treaty with Hungary without consulting with the Senate or providing advance notice, let alone having approval. It is deeply disappointing that Presidents of both parties have advanced these types of unilateral actions and omissions in the past.

Let me be clear. Such actions are completely inconsistent with our constitutional structure. I have asked the President to commit, at a minimum, to meaningful consultations with the Senate Foreign Relations Committee prior to terminating any treaty. Without such a commitment, I will work to ad-

dress this issue in future resolutions of advice and consent, as well as in legislation, and I will continue to work to make sure the Senate protects our constitutional prerogative on treaties. Abiding by our Constitution—standing up for our democratic values and institutions—this is what binds us with close partners like Chile.

It was in 1823 that this very Senate confirmed our first diplomatic representative to Chile. This established, for the first time, official relations between our two young nations. We took that action then because our countries were determined that the rest of the world take us seriously as independent states.

Our shared values and ambitions have given us 200 fruitful years of working together—in science and technological innovation, on immigration visas and academic exchanges, and, yes, on the question of critical minerals and renewable energy, which this treaty will take to new heights.

This treaty will advance U.S. interests by building partnerships that will position our country, our economy, and our manufacturing sector for the future.

I appreciate the ranking member of the Senate Finance Committee. We had some issues originally. We worked together, and we came to a conclusion that is satisfactory to all. I urge my colleagues to vote to advance this treaty and to ultimately vote to provide advice and consent to its ratification.

With that, I yield the floor.

VOTE ON VETO MESSAGE

The PRESIDING OFFICER. Under the previous order, the question is, Shall the joint resolution (S.J. Res. 11) pass, the objections of the President to the contrary notwithstanding?

The yeas and nays are required under the Constitution.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—50

Barrasso	Graham	Paul
Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Britt	Hoeven	Rounds
Budd	Hyde-Smith	Rubio
Capito	Johnson	Schmitt
Cassidy	Kennedy	Scott (FL)
Collins	Lankford	Scott (SC)
Cornyn	Lee	Sullivan
Cotton	Lummis	Thune
Cramer	Manchin	Tillis
Crapo	Marshall	Tuberville
Cruz	McConnell	Vance
Daines	Moran	Wicker
Ernst	Mullin	Young
Fischer	Murkowski	

NAYS—50

Baldwin	Cortez Masto	Kaine
Bennet	Duckworth	Kelly
Blumenthal	Durbin	King
Booker	Feinstein	Klobuchar
Brown	Fetterman	Luján
Cantwell	Gillibrand	Markley
Cardin	Hassan	Menendez
Carper	Heinrich	Merkley
Casey	Hickenlooper	Murphy
Coons	Hirono	Murray

Ossoff	Schumer	Warner
Padilla	Shaheen	Warnock
Peters	Sinema	Warren
Reed	Smith	Welch
Rosen	Stabenow	Whitehouse
Sanders	Tester	Wyden
Schatz	Van Hollen	

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 50.

Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the joint resolution on reconsideration fails to pass over the veto of the President of the United States.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Natasha C. Merle, of New York, to be United States District Judge for the Eastern District of New York.

Thereupon, the Senate proceeded to consider the nomination.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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. 30, Natasha C. Merle, of New York, to be United States District Judge for the Eastern District of New York.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tim Kaine, Margaret Wood Hassan, Ben Ray Lujan, Raphael G. Warnock, Tammy Duckworth, Jack Reed, John W. Hickenlooper, Catherine Cortez Masto, Tammy Baldwin, Brian Schatz, Christopher Murphy, Tina Smith, Debbie Stabenow, Sheldon Whitehouse.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Natasha C. Merle, of New York, to be United States District Judge for the Eastern District of New York, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

(Ms. CORTEZ MASTO assumed the Chair.)

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 50, nays 50, as follows: