

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:

[Rollcall Vote No. 168 Ex.]

## YEAS—50

Baldwin	Heinrich	Rosen
Bennet	Hickenlooper	Sanders
Blumenthal	Hirono	Schatz
Booker	Kaine	Schumer
Brown	Kelly	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Luján	Stabenow
Casey	Markey	Tester
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Feinstein	Ossoff	Welch
Fetterman	Padilla	Whitehouse
Gillibrand	Peters	Wyden
Hassan	Reed	

## NAYS—50

Barrasso	Graham	Paul
Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Britt	Hoeben	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	

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50.

The Senate being equally divided, the Vice President votes in the affirmative.

The motion is agreed to.

## RECESS

The VICE PRESIDENT. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:32 p.m. recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. FETTERMAN).

## EXECUTIVE CALENDAR—Continued

## NOMINATION OF NATASHA C. MERLE

Mr. DURBIN. Mr. President, today the Senate will vote to confirm Natasha Merle to the U.S. District Court for the Eastern District of New York. She is a highly skilled litigator who has practiced at virtually every level of the legal system. Ms. Merle received her undergraduate degree from the University of Texas at Austin and her law degree from New York University School of Law. She then completed two Federal clerkships, one in the Southern District of New York and another in the Eastern District of New York. Following her clerkships, Ms. Merle devoted her early career to representing indigent clients, particularly as an assistant Federal public defender. She has also spent time in private practice, where she represented individuals, companies, and financial institutions in commercial litigation.

Since 2016, Ms. Merle has worked at the NAACP Legal Defense and Educational Fund, where she has devoted her practice to ensuring equal justice under law. She has also taught at two

of the Nation's top law schools: Columbia Law School, as a lecturer in law, and New York University School of Law, as an adjunct professor of clinical law. Ms. Merle has significant experience in the courtroom at both the trial and appellate levels. She has litigated in State and Federal court on both civil and criminal matters, practiced before the U.S. Supreme Court, and successfully argued an appeal before the California Supreme Court. Ms. Merle's deep expertise, diversity of experience, and commitment to public service will make her an outstanding addition to the Eastern District of New York.

The American Bar Association rated Ms. Merle "well qualified," and she has the strong support of her home state Senators, Mr. SCHUMER and Mrs. GILLIBRAND. I urge my colleagues to join me in supporting Ms. Merle's nomination.

## VOTE ON MERLE NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Merle nomination?

Mr. MENENDEZ. 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 Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 169 Ex.]

## YEAS—50

Baldwin	Heinrich	Rosen
Bennet	Hickenlooper	Sanders
Blumenthal	Hirono	Schatz
Booker	Kaine	Schumer
Brown	Kelly	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Luján	Stabenow
Casey	Markey	Tester
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Feinstein	Ossoff	Welch
Fetterman	Padilla	Whitehouse
Gillibrand	Peters	Wyden
Hassan	Reed	

## NAYS—49

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

NOT VOTING—1

Graham

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

## 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 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. 1, Treaty Document No. 112-8, Tax Convention with Chile, and a resolution of advice and consent to ratification with 2 reservations and 2 declarations.

Charles E. Schumer, Robert Menendez, Margaret Wood Hassan, Robert P. Casey, Jr., Benjamin L. Cardin, Catherine Cortez Masto, Patty Murray, Thomas R. Carper, Christopher Murphy, Chris Van Hollen, Tammy Baldwin, Jack Reed, Richard J. Durbin, Tim Kaine, Jeanne Shaheen, Richard Blumenthal, Christopher A. Coons, Cory A. Booker.

The yeas and nays are mandatory under the rule.

The question is, Is it the sense of the Senate that debate on treaty document No. 112-8, Tax Convention with Chile, and a resolution of advice and consent to ratification with 2 reservations and 2 declarations, shall be brought to a close?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The yeas and nays resulted—yeas 97, nays 2, as follows:

[Rollcall Vote No. 170 Ex.]

## YEAS—97

Baldwin	Ernst	Merkley
Barrasso	Feinstein	Moran
Bennet	Fetterman	Mullin
Blackburn	Fischer	Murkowski
Blumenthal	Gillibrand	Murphy
Booker	Grassley	Murray
Boozman	Hagerty	Ossoff
Braun	Hassan	Padilla
Britt	Heinrich	Peters
Brown	Hickenlooper	Reed
Budd	Hirono	Ricketts
Cantwell	Hoeben	Risch
Capito	Hyde-Smith	Romney
Cardin	Johnson	Rosen
Carper	Kaine	Rounds
Casey	Kelly	Rubio
Cassidy	Kennedy	Sanders
Collins	King	Schatz
Coons	Klobuchar	Schmitt
Cornyn	Lankford	Schumer
Cortez Masto	Lee	Scott (FL)
Cotton	Luján	Scott (SC)
Cramer	Lummis	Shaheen
Crapo	Manchin	Sinema
Cruz	Markey	Smith
Daines	Marshall	Stabenow
Duckworth	McConnell	Sullivan
Durbin	Menendez	Tester