

The bill 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. 29, Nusrat Jahan Choudhury, 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 Nusrat Jahan Choudhury, 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 bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Arkansas Mr. (COTTON), the Senator from Missouri (Mr. SCHMITT), and the Senator from South Carolina (Mr. SCOTT).

The yeas and nays resulted—yeas 50, nays 47, as follows:

[Rollcall Vote No. 163 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	Lujan	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—47

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

#### NOT VOTING—3

Cotton	Schmitt	Scott (SC)
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The PRESIDING OFFICER (Mr. OSSOFF). On this vote, the yeas are 50, the nays are 47.

The motion was agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Nusrat Jahan Choudhury, of New York, to be United States District Judge for the Eastern District of New York.

The PRESIDING OFFICER. The Senator from Nevada.

#### EXECUTIVE CALENDAR

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination, Calendar No. 75; that the Senate vote on the nomination without intervening action or debate; that the motion 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 clerk will report the nomination.

The bill clerk read the nomination of Stephen K. Eberle, of Pennsylvania, to be United States Marshal for the Western District of Pennsylvania for the term of four years.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Eberle nomination?

The nomination was confirmed.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for 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.

#### GAINFUL EMPLOYMENT RULE

Mr. DURBIN. Mr. President, on another topic, last week, President Biden did something he has done only five times: He vetoed a resolution passed by Congress.

And let me say: Thank goodness. The proposal he vetoed would have blocked the administration's student loan forgiveness program. This program will be a financial lifeline for millions of student borrowers across the country so that working Americans can start a business, buy a first home, or, simply, keep a roof over their heads. And there is one group of student borrowers in particular who are in desperate need of this financial relief: That is the hundreds of thousands of students who have been ripped off by for-profit colleges. Just listen to this: Even though for-profit colleges enroll only 8 percent of college students, they account for 30 percent of all Federal loan defaults.

Thankfully, just a few weeks ago, the Biden administration took another

crucial step to support these student borrowers. The Department of Education announced that it will reinstate what is known as the gainful employment rule—or the GE rule. This rule would create accountability standards for for-profit colleges to qualify for Federal student aid. If they want to receive taxpayer dollars—in the form of Federal student aid—then they need to meet their statutory obligation to prepare students for gainful employment.

I don't think that is too much to ask. This GE rule is years in the making, first introduced by the Obama administration, after years of deliberation, but it was rescinded under former Secretary Betsy DeVos. As a result, executives of for-profit colleges have lined their pockets with taxpayer dollars, while students were left to fend for themselves.

Let me tell you about one of these predatory for-profit schools: the American Intercontinental University. Five of its programs failed the GE rule—five—at one school, including a bachelor's degree in fashion and apparel design. The company claims it is one of their "career-focused degree programs . . . designed to provide students with the foundational skills required to apply their creative vision in the real world."

Sounds pretty good, doesn't it? Wrong. Because here is the reality: The total cost over 4 years is nearly \$55,000. Seventy-four percent of students who attend this school borrow Federal student loans. And the median total debt is \$31,000.

Here is the biggest problem: The graduation rate is only 19 percent. And the students who do graduate are hardly any better off. According to the 2015 GE earnings data, the median annual earnings of a fashion and apparel design graduate were \$18,896. So even if you earn your degree from this fraudulent program, you do not even have a chance to earn enough to pay off your loans. That is why it is so important that the Biden administration has proposed to reinstate the GE rule. And this new version will provide the strongest accountability and transparency framework to date.

Under the proposed rule, for-profit colleges would have to prove that graduates make enough to pay back their loans. So what would happen to a school like American Intercontinental University if it does not improve its failing programs? Well, under the new GE rule, the company would lose access to Federal student aid for its failing programs. I am glad the Department of Education is holding the for-profit industry accountable for its lies and protecting students and taxpayers.

#### JUNETEENTH

Mr. DURBIN. Mr. President, this coming Monday is Juneteenth, our newest national holiday, a day set aside to celebrate the triumph of freedom over slavery in America.

The name “Juneteenth” is a combination of two words, “June nineteenth.” That was the day, in 1865, that the U.S. Army’s “General Order No. 3” was issued, finally informing the people of Texas of the Emancipation Proclamation—and that all of the remaining enslaved people in that State were free.

Sadly, on this Juneteenth—even as our Nation celebrates—we are witnessing the most concerted effort in decades to erase from our history America’s long and still unfinished struggle to fully end racism, the odious lie on which slavery was built. Last year, according to the American Library Association, there were 1,269 demands to ban books in school libraries in various States. That is more than double the number of book bans sought in 2021. And it is the greatest number of book bans demanded in the 20 years that PEN America, an organization dedicated to the freedom of expression, has kept records on this troubling trend.

What is the most frequent target of these new bans? Books involving, or even just mentioning, issues of race. And what are the books that these censors are demanding be pulled from the shelves of school libraries?

Here are some examples: “To Kill a Mockingbird” is one. Another is a biography of Jesse Owens, the great American runner who won four gold medals at the Olympic Games in Munich in 1936, shattering the Nazi myth of racial supremacy. In Florida, the book banners demanded that school textbooks containing the story of Rosa Parks remove race and racism as reasons she refused to move to the back of the bus. Such efforts to erase history are an attack on the freedom to read and learn.

This week, my State of Illinois became the first State in the Nation to ban this form of censorship by public libraries. I hope more States will stand up for history—and that on the eve of this Juneteenth, Americans will commit ourselves firmly to truth.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO CAPTAIN DAVID OSBORN

• Mr. BLUMENTHAL. Mr. President, I rise today to recognize Capt. David Osborn, for his service to our Nation in the U.S. Marine Corps.

Captain Osborn entered the Marine Corps as a young man during World War II. After training as a pilot, he was deployed to the Pacific Theater where he was engaged in active combat. During his tenure in the Marine Corps, Captain Osborn flew vitally important but deeply dangerous missions, including several for which, he indicated, he volunteered. In all, Captain Osborn’s service contributed to the American military successes in the Pacific Theater. After the war, Captain Osborn continued his service as a flight in-

structor in Corpus Christi, TX. Captain Osborn was honorably discharged from the U.S. Marine Corps Reserve in March of 1958.

This year, Captain Osborn will celebrate his 100th birthday. He lives in Weston, CT, with his wife of 41 years, and cherishes time spent with his children and grandchildren. His honorable service is a model for all of us and will leave an enduring legacy.

We all owe our veterans a great debt of gratitude for fighting for our freedom and safety, and I hope my colleagues will join me in thanking Captain David Osborn for his remarkable history of service to our Nation.●

##### TRIBUTE TO REVEREND JOSEPH BAKER

• Mr. OSSOFF. Mr. President, I rise to commend Rev. Joseph Baker of St. James African Methodist Episcopal Church for his lifetime of service to the Chattahoochee River Valley and the State of Georgia. For the past 30 years, Pastor Baker has been a beacon of hope and service for members of the communities he has served since answering the call to preach in 1993. After relocating to Atlanta from Orlando to continue his higher education journey, Pastor Joseph Baker served as senior pastor of Saint Paul AME Church in Canton, GA, and both Saint Mary’s AME and Townsley Chapel AME Churches in Savannah, GA. Since July 2013, Pastor Baker has served the Columbus community as the 52nd pastor of St. James AME Church at the local, conference, and episcopal levels. He also serves as dean of the Southwest Georgia Annual Conference Board of Examiners and as a member of the Southwest Georgia Annual Conference Board of Trustees, Support of Presiding Elders and Ministerial Classification.

A product of the Suwannee County School System, the University of Central Florida in Orlando, and Turner Theological Seminary at the Interdenominational Theological Center in Atlanta, Pastor Baker continues to find ways to open doors of opportunity for others through access to education. For example, Pastor Baker established a partnership with Columbus Technical College to offer GED studies at St. James AME.

As Georgia’s U.S. Senator, I commend and recognize St. James AME pastor Rev. Joseph Baker for a lifetime of service on behalf of the State of Georgia.●

##### TRIBUTE TO MOISES VELEZ

• Mr. OSSOFF. Mr. President, I rise to commend Moises Velez of Macon, GA, for his years of service to Georgia’s Latino community.

Twenty-five years ago, Mr. Velez founded “Que Pasa,” the first Spanish newspaper in the Macon community. Mr. Velez’s vision of keeping newly arrived immigrants informed about vital services available to them in Middle

Georgia and across the State quickly transformed the newspaper into a trusted news source for the Latino community on important issues like health care, immigration, and education. “Que Pasa” keeps the growing Latino community in Middle Georgia informed about news and events statewide. Mr. Velez’s success led to his recognition as one of Georgia’s 50 most influential Latinos by the Georgia Hispanic Chamber of Commerce in 2022. Mr. Velez is a representation of the extraordinary contributions of Georgia’s Latino community.

As Georgia’s U.S. Senator, I commend and recognize Moises Velez for his contributions to Georgia’s Latino community and years of service to the Macon community.●

##### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Kelly, one of his secretaries.

##### PRESIDENTIAL MESSAGE

REPORT OF THE VETO OF S.J. RES. 11, A RESOLUTION THAT WOULD DISAPPROVE THE RULE ENTITLED “CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES: HEAVY-DUTY ENGINE AND VEHICLE STANDARDS”—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States was ordered to be printed in the RECORD, spread in full upon the Journal, and held at the desk:

*To the Senate of the United States:*

I am returning herewith without my approval S.J. Res. 11, a resolution that would disapprove the rule entitled “Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards.”

This rule amends the Environmental Protection Agency’s heavy-duty emissions control program—including its standards, test procedures, and other requirements—to further reduce the air quality impacts of heavy-duty engines. The rule cuts pollution, boosts public health, and advances environmental justice in communities across the country. It will prevent hundreds, if not thousands, of premature deaths; thousands of childhood asthma cases; and millions of missed school days every year.

The resolution would deny communities these health benefits by resulting in weaker emissions standards for heavy-duty vehicles and engines, which are significant sources of pollutants that threaten public health. If enacted, the resolution would squander \$36 billion in benefits to society—and an opportunity to lead on the defining crisis of our time.