

does Senator BENNET speak with eloquence, but he matches it with deeds and with action. He has a major piece of legislation before the Senate to try to protect public lands in his State of Colorado. We very much appreciate Senator BENNET and his activism there.

I would also like to thank Senators HEINRICH, MANCHIN, and ROSEN for so eloquently talking about why William Pendley is unfit to continue as the de facto BLM Director.

Mr. BENNET. Mr. President, if I could just ask—

The PRESIDING OFFICER. Yes.

Mr. UDALL. Yes, please.

Mr. BENNET. The Senator from New Mexico was so kind to refer to the CORE Act, the Colorado Outdoor Recreation Economy Act. Just a reminder: At the heart of that bill, which is 400,000 acres of public lands in Colorado—70,000 of which is wilderness area to protect our critical watershed—is the Camp Hale National Historic Landscape, which is the first such national historic landscape designation in the history of the United States. It memorializes the incredible work of our veterans who came to Camp Hale to train, to fight in the mountains of Northern Italy, pushed the Nazis out of Northern Italy. And that wasn't even enough for them. Then they came back, and they started our entire outdoor recreation industry, our ski resort. It was the same generation of people. That is an exact, perfect example—I am so glad Senator UDALL brought it up—a perfect example of why we need to treasure our public lands.

With that, I will yield the floor and turn it back over to Senator UDALL.

Mr. UDALL. I thank Senator BENNET once again for the good work he is doing there.

Just a couple of other words in closing, talking about the career employee scientists, the people who work at the BLM. The men and women who work at the BLM are public servants dedicated to the mission of the agency. They deserve a leader who values them and respects them and carries out that mission, not an extremist who doesn't even believe that public lands should exist.

Mr. Pendley's hostility toward our public lands resulted in his nomination as BLM Director being pulled by the President. If he is not fit to be confirmed as BLM Director by the Senate, he is not fit to exercise the authority of Director and should be immediately relieved of that authority.

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.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### VOTE ON HOLCOMB NOMINATION

Mr. ROMNEY. Mr. President, I ask unanimous consent that the 5:15 p.m. vote start at this time.

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

Under the previous order, the question is, Will the Senate advise and consent to the Holcomb nomination?

Mr. TILLIS. Mr. President, 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. THUNE. The following Senator is necessarily absent: the Senator from West Virginia (Mrs. CAPITO).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Ms. HARRIS), the Senator from New Mexico (Mr. HEINRICH), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 83, nays 12, as follows:

[Rollcall Vote No. 175 Ex.]

#### YEAS—83

Alexander	Gardner	Portman
Baldwin	Graham	Reed
Barrasso	Grassley	Risch
Bennet	Hassan	Roberts
Blackburn	Hawley	Romney
Blunt	Hirono	Rosen
Boozman	Hoeben	Rounds
Braun	Hyde-Smith	Rubio
Brown	Inhofe	Sasse
Burr	Johnson	Scott (FL)
Cardin	Jones	Scott (SC)
Carper	Kaine	Shaheen
Casey	Kennedy	Shelby
Cassidy	King	Sinema
Collins	Lankford	Smith
Cornyn	Leahy	Stabenow
Cortez Masto	Lee	Sullivan
Cotton	Loeffler	Tester
Cramer	Manchin	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Menendez	Udall
Duckworth	Moran	Van Hollen
Durbin	Murkowski	Warner
Enzi	Murphy	Whitehouse
Ernst	Paul	Wicker
Feinstein	Perdue	Young
Fischer	Peters	

#### NAYS—12

Blumenthal	Klobuchar	Schatz
Booker	Markey	Schumer
Cantwell	Merkley	Warren
Gillibrand	Murray	Wyden

#### NOT VOTING—5

Capito	Harris	Sanders
Coons	Heinrich	

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.

The Senator from Tennessee.

#### ORDER OF PROCEDURE

Mr. ALEXANDER. Madam President, I ask unanimous consent that, notwithstanding the provisions of rule XXII, the postcloture time with respect

to the Robinson nomination expire at 11:30 a.m. tomorrow and that following the disposition of the Robinson nomination, the Senate vote on the motions to invoke cloture on the Dugan and McGlynn nominations in that order; further, that if cloture is invoked on the Dugan and McGlynn nominations, the postcloture time expire at 3:30 p.m. tomorrow and the Senate vote on confirmation of the nominations in that order; finally, that if any of the nominations are confirmed, the motions to reconsider be made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### INTERCOLLEGIATE ATHLETICS

Mr. ALEXANDER. Madam President, this morning in the Education Committee, we had a really interesting discussion on intercollegiate athletics—specifically on the proposals that are appearing in various States to pay student athletes for their name, image, and likeness.

This is the jurisdiction of the Commerce Committee, and Senator WICKER and his committee are considering whether there should be any congressional action, but we were looking at the impact of the proposal to pay student athletes on the tradition of the intercollegiate student athlete in our country, and here is my own view.

If student athletes are paid by commercial interests for their name, image, and likeness, that money ought to go to benefit all of the student athletes at that institution. In other words, if the quarterback at the University of Tennessee is paid \$500,000 by the local auto dealer to advertise the auto dealer, that money ought not go to him; it ought to go for the benefit of all the student athletes at the University of Tennessee, including the women's sports, the men's sports, the minor sports, the major sports.

Student athletes shouldn't be on the payroll and be treated as hired hands, in my opinion. I don't see a good ending to allowing a few student athletes to be paid by commercial interests while most of their teammates are not.

If young athletes want to be part of a team, enjoy the undergraduate experience, learn from coaches who are among the best teachers in the country, and be paid a full scholarship that helps them earn a degree worth \$1 million during their lifetime—that is according to the college boards estimates—those earnings of that student should benefit all student athletes at the institution. If a student athlete prefers to keep the money, then that student athlete should become a professional athlete.

We had a bipartisan discussion this morning. I want to thank Senator MURRAY, the Senator from Washington State, who is the ranking Democrat on our committee. Our committee always has diverse views, but we always have good, civil discussions.

We had excellent witnesses from the University of Wisconsin and from Utah State University. We had a representative of the players association as well, and we had a track and field coach from Ohio State University who has been Coach of the Year in the Big 10 for 4 years, and they all had a point of view on this question.

The question is whether the tradition of an intercollegiate student athlete is worth preserving, and if so, how do you do it? Specifically, what would the impact be on that tradition if States pass laws allowing commercial interests to pay student athletes for the use of their name, image, or likeness?

Now, I have had two experiences that help me form my own opinion on this. Here is the first one.

In 1960, during my sophomore year in college, I was exercising at Vanderbilt University on the university's cinder track, and a man watching me had in his right hand a big stopwatch. He introduced himself as Track Coach Herc Alley, and he asked my name.

"Did you run track in high school?" he asked me.

"No," I said, "we didn't have track in high school."

"Why don't you run 100 yards for me," he said.

So I did.

He examined his stopwatch and said: "10.1 seconds. That is very good. I have three really fast boys on my 440-yard relay team. Why don't you come be the fourth one?"

So I joined the Vanderbilt track team running the mile relay, the 440-yard relay, and the 440-yard dash. My job was to carry the baton from the first fast boy to the third fast boy.

The next year, our team set a school record in the 440-yard relay. That record will never be broken for one reason—because they now measure the race in meters. So they don't run the 440-yard relay anymore.

We sometimes practiced with some really speedy athletes. They were students from what we called then Tennessee A&I across town. This is before desegregation. These were Olympians. They included Ralph Boston, Wilma Rudolph, and Wyomia Tyus. Coach Alley, our coach, had no scholarships to offer. His teams rode buses to meets. Our cinder track made it hard to establish fast times. Scraping together teams of nonscholarship athletes, he produced several Southeastern Conference track champions.

Coach Alley's enthusiasm that day gave me an experience that millions of young Americans have had—that of being an intercollegiate student athlete. Some of those athletes were good enough to win scholarships. Senator RICHARD BURR is one. He is on our committee and was at the hearing this morning. He had a football scholarship at Wake Forest University.

My experience at Vanderbilt taught me a number of lessons, including this one: When running on a relay team, be sure to choose two teammates who can

run faster than you can. That is not a bad recipe for being an effective U.S. Senator either.

Now, as the college football season gets underway, even amidst COVID-19, we are reminded of how important these games are to student athletes, to their institutions, and to millions of spectators. The fascination with sporting competition is nothing new, according to the Knight Commission, which said in its 1991 report the following:

The appeal of competitive games is boundless. In ancient times, men at war laid down their weapons to compete in the Olympic games. Today, people around the globe put aside their daily cares to follow the fortunes of their teams in the World Cup. In the United States, the Super Bowl, the World Series, college football and the NCAA basketball tournament command the attention of millions. Sports have helped break down bigotry and prejudice in American life. On the international scene, they have helped integrate East and West, socialist and capitalist. The passion for sport is universally shared across time and continents.

So said the Knight Commission 30 years ago.

But concerns with problems in sports are also nothing new. The Knight Commission was established in 1989 to address scandals in college sports that were "shaking public confidence," not just of big-time collegiate athletics but the whole institution of higher education.

Well before that, in 1929, the Carnegie Foundation put out a report that said recruiting had become corrupt, professionals had replaced amateurs, education was being neglected, and commercialism reigned. Before that, in 1906, partially in response to President Teddy Roosevelt's criticism, the NCAA had been formed to protect the safety of players and deal with corruption.

My second experience forming my opinion on today's hearing was my participation and membership in that Knight Commission at the time I was president of the University of Tennessee. Our commission recommendation was that university presidents take charge of college athletics and the huge amount of television money it attracted and restore the academic and financial integrity of the program. As a result, over the next several years, academic standards became more stringent, financial support for student athletes increased, and college presidents asserted more responsibility for financial integrity.

What is especially relevant to today's hearing was that despite today's problems surrounding intercollegiate athletics and the problems then, the Knight Commission strongly endorsed keeping the student athlete tradition. What it said is worth repeating also:

We reject the argument [the Knight Commission said] that the only realistic solution to the problem is to drop the student athlete concept, put athletes on the payroll, and reduce or even eliminate their responsibilities as students.

Such a scheme has nothing to do with education, [said the Knight Commission] the

purpose for which colleges and universities exist. Scholarship athletes are already paid in the most meaningful way possible: with a free education. The idea of intercollegiate athletics is that teams represent their institutions as true members of the student body, not as hired hands. Surely American higher education has the ability to devise a better solution to the problems of intercollegiate athletics than making professionals out of the players, which is no solution at all but rather an unacceptable surrender to despair.

Well, I hope those words from the Knight Commission 30 years ago will guide how Congress deals with the newest issue threatening the concept of student athletes, and that is allowing commercial interests to pay athletes for use of their name, likeness, and image.

Already four States have enacted laws sanctioning such payments in various forms. More than 30 other States are considering legislation.

Senator WICKER, as I mentioned, chairman of the Commerce Committee, is considering whether there ought to be congressional action. Our purpose was to look at the impact on the student athlete.

Who are the student athletes today? Well, it wouldn't make much sense to talk about this if we didn't say who and what we are talking about, so here it is. There are 20 million undergraduates in about 6,000 colleges and universities that exist in the United States today. Nearly 1,100 of those 6,000 colleges and universities belong to the NCAA. More than 460,000 young men and women participate in 24 different sports each year in about one-quarter of 1 million contests. About 300 of those institutions play football and basketball at the highest level. Fewer than 2 percent of athletes, student athletes, go on to play professional sports, according to the NCAA. This means we are talking about approximately 9,000 college student athletes who compete in a few sports out of the more than 460,000 college athletes across 24 sports.

So the current controversy is about an even smaller percentage of those 9,000 students who play football, baseball, or men or women's basketball and whose skills—or the institutions for which they play—make them attractive targets for recruiting offers that will combine their scholarship dollars with endorsement money. For example, an exceptional quarterback, pitcher, or running back might be offered a \$500,000-a-year endorsement by a car dealer in the same town as a college with a big-time football, basketball, or even baseball program.

As the Knight Commission report said, student athletes are already paid in the most meaningful way, with a free education. Athletic scholarships are limited to tuition and fees, room and board, and required course-related books, but this can add up to a lot of money. It is \$115,000 a year, estimates the University of Tennessee, per student athlete, including room, board, student stipends, academic support, meals, sports medicine, training, travel, and expenses.

Student athletes may also combine other sources of financial aid, including Federal or State need-based aid, to help pay for the full cost of attendance. These include Pell grants, for example, which could be \$6,300 a year, supplemental education community grants, work-study, State grants based on need using Federal calculations, such as the Tennessee HOPE Scholarship or the GI bill. About 92,000—or 20 percent—of the student athletes receive Pell grants also.

According to the College Board, the value of a 4-year undergraduate degree is \$1 million over a lifetime, and according to the NCAA, 88 percent of Division I student athletes will earn a 4-year degree.

So the question at hand is, Should Congress act, or should varying State laws govern payments for name, image, and likeness to student athletes? Is a patchwork set of regulations worth the confusion it will cause with unrestrained boosters, creative agents, the impact on title IX on men's and women's programs, on a coach's effort, and most of all on the tradition of the student athlete? That is the Commerce Committee's job. We heard some interesting testimony this morning.

Based on my experience as a student athlete, as a member of the Knight Commission, and as a university president, I offered these suggestions:

The Knight Commission is correct to say that student athletes shouldn't be on the payroll. They shouldn't be treated as hired hands.

Two, Congress should act but in a limited way—as limited as possible—to authorize an independent entity, safe from litigation, to write rules governing payments for the use of name, image, and likeness. Congress should provide aggressive oversight of that entity rather than try to write the rules ourselves.

Three, that governing entity ought to be the NCAA. I know, I know—the NCAA is controversial, but if it is not doing its job, the presidents who are supposed to be in charge of it should reform it. Giving the job to a new entity would take forever. Giving it to an existing entity like the Federal Trade Commission, without expertise and without any responsibility for higher education, would make no sense.

Now, as to the rules that I would hope the NCAA would write, here is what I believe should be the overriding principle: Money paid to student athletes for their name, image, and likeness should benefit all student athletes in that institution. Following this principle would allow the earnings to be used for additional academic support, further study or degrees, more insurance options, and more support for injured players and other needs. It would avoid the awkwardness of a center who earns nothing snapping the ball to a quarterback who earns \$500,000 from the local auto dealer. It avoids the inevitable abuses that would occur with agents and boosters becom-

ing involved with outstanding high school athletes. It would avoid the unexpected consequences to other teams in an institution because of the impact on title IX or the impact on existing student aid available to athletes.

Such a principle would preserve the right of any athlete to earn money for the use of his or her image, name, or likeness. It simply says: If you elect to be a student athlete, your earnings should benefit all student athletes at your institution. If you want to keep the money and be someone's employee, go become a professional.

This system would create the same kinds of choices that today's NCAA rules for college baseball require. A high school student must stay 3 years if he chooses to participate in a college baseball program. Take Vanderbilt's baseball program. David Price, Sonny Gray, and Dansby Swanson—Major League fans know they are all very successful professional athletes—all were drafted by Major League baseball teams while they were in high school. They could have earned a lot of money going directly into professional baseball. Instead, they chose a Vanderbilt education, 3 years of college experience, and the opportunity to be taught by Coach Tim Corbin, a great teacher. If Price, Gray, and Swanson had been permitted to sell their name, image, and likeness while at Vanderbilt, under the principle I am suggesting, their earnings would have been used for the benefit of all of Vanderbilt's sports teams, men and women.

Applying such a principle to all intercollegiate athletics might cause a few talented athletes to join professional leagues immediately after high school. That is their right. But if that young athlete prefers the college experience, the expert coaching and teaching, the free education, the other academic support, and the undergraduate degree that can earn \$1 million over a lifetime, then their earnings ought to benefit all the student athletes at the institution.

While the NCAA is making new rules, I suggest it ought to assign most of the new television revenue that comes to institutions—let it go to institutions and be used for academic support for student athletes rather than continue to encourage inordinately high salaries for some coaches.

As I said at the beginning, I don't see a good ending to allowing a few student athletes to be paid by commercial interests while most of their teammates are not. If they want to be part of the team, enjoy the undergraduate experience, learn from coaches who are great teachers, and be paid a full scholarship that could help them earn \$1 million during their lifetimes, their earnings should benefit all the student athletes. If they prefer to keep the money for themselves, let them become professionals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I begin by asking that the RECORD reflect how much I am going to miss the Senator from Tennessee when he is gone at the end of this year. It is nice to be on the floor with him.

#### CLIMATE CHANGE

Madam President, I am here for the 271st time to call this Chamber's attention to climate change and to two of the reports on this defining issue of our generation.

As I speak, wildfires are devouring the American West and consuming American lives: east of Salem, OR, two people dead in a scorched vehicle; in Butte County, CA, three dead, overrun by a fast-moving fire; in Ashland, a 1-year-old boy; in Malden, WA, almost the entire town burned down; half a million Oregonians evacuated due to fire. That is 1 out of 10 people in the entire State.

Over the weekend, Oregon's emergency management director said they are preparing for a "mass fatality event."

Paradise, CA, suffered apocalyptic destruction in the 2018 Camp Fire. It is, once again, under fire warnings, this time the North Complex fire, which has stunned firefighters with its rapid growth and ferocity.

We cannot avoid it. Climate change is here. Plenty of factors contribute to individual wildfires, but climate change is now always among them.

Last fall, I went out to the National Center for Atmospheric Research in Colorado and met leading wildfire researcher Daniel Swain. As Dr. Swain puts it:

Climate change has not just made the extreme heat waves that coincide with fires worse. The bigger effect is the more subtle, long-term warming. That couple of degrees of (average) warming over decades . . . it's lurking in the background, sucking extra moisture out of the vegetation and the soil.

The new normal is smoke, ash, orange skies, and constant nerve-fraying vigilance.

Climate change's impacts through the West land crushing economic blows. The 2018 Camp Fire that burned Paradise cost \$16.7 billion. NOAA says natural disasters—mostly hurricanes and wildfires, both highly climate-related—inflicted \$91 billion worth of damage that year, 2018; and over the past 40 years, 241 climate- and weather-related disasters have cost Americans \$1.6 trillion.

The first report I want to talk about warns that it is not just what is lost in floods and flames. As climate risk worsens, the harder it is for communities to rebuild, for bankers to write mortgages, for owners to find insurers willing to continue to write policies and pay out claims. That risk spreads beyond burned or flooded land and runs through the rest of the economy.

Climate risk becomes what economists call systemic risk. So one of our leading regulatory agencies, the Commodity Futures Trading Commission, has done a report on risk.