mob violence on the Capitol—a bipartisan investigation—and then turns around and says that the President could investigate Members of Congress without accountability either. You wonder if there is going to be the proper constitutional authority witnessed and exhibited in this circumstance.

NOMINATION OF KETANJI BROWN JACKSON

Mr. DURBIN. Madam President, on a separate issue, the Senate voted on a bipartisan basis to invoke cloture on Judge Ketanji Brown Jackson's nomination to the DC Circuit. Today, the Senate will confirm her to that post.

Judge Jackson is the first of many circuit court nominees whom we will confirm during this Congress. Given her credentials and record on the bench, she is a nominee who deserves the support of Senators on both sides of the aisle. I would like to take just a minute to highlight why she is such an outstanding choice for the DC Circuit.

The importance of the DC Circuit cannot be overstated. This is what another Illinoisan, President Barack Obama, said about the court: ''The D.C. Circuit is known as the second highest court in the country, and there's good reason for that. The judges on the D.C. Circuit routinely have the final say on a broad range of issues involving everything from national security to environmental policy; from questions of campaign finance to workers' rights. In other words, the court's decisions impact almost every aspect of our lives.''

Thankfully, in Judge Jackson, we have a nominee who will be ready from day one to serve justice as a member of the DC Circuit.

Judge Jackson was born here in Washington, DC, and raised in Miami, FL. Her parents, public school teachers at the time of her birth, gave her a lifelong appreciation of learning and the law. They also instilled in her a dignity and grace that was on full display, as the Presiding Officer knows, when the judge appeared before the Judiciary Committee in April.

A champion high school debater, Jackson later attended Harvard and Harvard Law School before embarking on what can only be described as a star-studded legal career.

She clerked on the Federal District Court, the First Circuit Court of Appeals, and for Justice Breyer on the U.S. Supreme Court—a strong resume in and of itself. She has also worked at several prominent law firms, handling both trial and appellate work.

But her true calling has always been public service. In the early 2000s, Judge Jackson worked as special counsel on the U.S. Sentencing Commission and later served as a Federal public defender in Washington, DC. This experience inspired President Obama to nominate her to serve as Commissioner and Vice Chair of the Sentencing Commission. In the Senate, her nomination received unanimous support.

A few years later, Judge Jackson came before the Senate again when President Obama chose her to fill a vacancy on the U.S. District Court for the District of Columbia—once again, she was confirmed with unanimous support.

Looking at the arc of Judge Jackson's career, I am struck by how much time she spent focusing on the issue of criminal sentencing—an issue deeply important to me and, I believe, many other colleagues.

From the Sentencing Commission to the Office of Federal Public Defender, to the district court, Judge Jackson has grappled with legal, intellectual, and moral challenges that come with sentencing policy and decisions. Once confirmed, she will bring that vital experience to the DC Circuit.

I also want to speak more broadly about her record on the bench. She represents the best of the judiciary. Humble, hard-working, she has written nearly 600 opinions, and each of them is guided by the same principles: fairness, impartiality, evenhandedness, and an unyielding fidelity to the law. It is no surprise, then, that she received the grade of unanimously ''well qualified'' from the American Bar Association, and it is no surprise that she has the support of legal experts and advocates from different ideological and professional stripes, including Judge Thomas Griffith, a George W. Bush appointee to the DC Circuit; the Alliance for Justice; the National Council of Jewish Women; the AFL–CIO; the NAACP Legal Defense and Education Fund; and dozens—literally dozens—of former prosecutors and other Justice Department officials appointed by Presidents of both political parties.

Let me close with a passage from a letter Judge Griffith wrote in support of Judge Jackson. I read this letter during her hearing, and it really stuck with me. Judge Griffith wrote: ''Although she and I have sometimes differed on the best outcome of a case, I have always respected her careful approach and agreeable manner, two indispensable traits for success in a collegial body.''

Madam President, we will all benefit from that careful approach and agreeable manner on the DC Circuit.

I will vote for Judge Jackson's nomination to the DC Circuit and urge my colleagues to do the same.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. DUCKWORTH). Without objection, it is so ordered.

(The remarks of Mr. LEE pertaining to the introduction of S. 2039 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LEE. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMATEUR ATHLETES PROTECTION AND COMPENSATION ACT

Mr. MORAN. Madam President, I am on the floor this afternoon to discuss the issue of student athletes having greater control over their name, image, and likeness.

Over the years, intercollegiate athletics have become a staple in American culture and higher education. No other country in the world has a sports college model that compares to ours, which affords thousands of young adults each year the opportunity to leverage their athletic ability into a quality education and continue playing the sport they love. But over the years, college athletics have grown into an increasingly profitable, billion-dollar industry, and the rules surrounding athlete compensation have not kept pace.

Now, individual States have created laws that will guarantee an amateur athlete the ability to profit off their name, image, and likeness without fear of being reprimanded. Again, I highlight that individual States have made those decisions and are creating laws. Nineteen States have now passed NIL legislation, and of those 19, 6 will go into effect in less a month—July 1, just, really, a few days away.

As more and more States continue to pass their own legislation, we are quickly headed for a system of inconsistent State laws that will be cumbersome and in some cases unworkable for athletes and the schools to navigate. Intercollegiate athletics are an inherently interstate matter. Our model makes certain the best teams and the best athletes compete against one another no matter their geographic location. This requires a single Federal standard that all schools and all athletes can operate under.

College sports and the opportunities they provide student athletes will be dramatically harmed if we are unable to pass a Federal standard. Each year, we will have States introducing or updating their NIL laws in order to gain just a bit more of an advantage in attracting athletes to their institutions.

We have already seen this begin to play out. Following California's passage of the first State NIL law in September 2019, there has been a rush of action by 18 other States to quickly follow suit, hoping to remain competitive as athletic departments recruit athletes to their States' schools. The floodgates will fully open on July 1—only 16 days away—when State NIL laws begin to take effect.

The time to act is now. There is a compromise to be found to both empowering amateur athletes to profit from their name, image, and likeness and guaranteeing greater protections, while at the same time maintaining the integrity of our one-of-a-kind collegiate model that has provided millions

of people the opportunity to get a quality education. We can accomplish both of these goals and provide college athletics with the certainty that it needs.

In February, I introduced the Amateur Athletes Protection and Compensation Act—my proposal to accomplish this necessary balance. My legislation would create a single set of guidelines that would enable amateur athletes to profit from their name, image, and likeness by prohibiting conferences, schools, and athletic associations, like the NCAA, from rendering an amateur intercollegiate athlete ineligible on the basis of receiving that NIL compensation. It would also codify serious athlete protections like extended healthcare coverage for athletic injuries or illness and scholarship guarantees.

I understand this legislation is not perfect in everyone's eyes. It is not perfect in its current form, but it offers not only the quickest but the best path towards enacting meaningful Federal legislation on issues of amateur athletic name, image, and likeness.

When I say it may not be perfect, there are certainly things that we can negotiate to improve, and it is not the extreme on either side of this issue, but it is something that a broad set of Senators, Members of the House, and a President could come behind and certainly is perhaps the only piece of legislation that has a chance of being enacted anytime soon. I recognize there are many ideas on what should and should not be included in an NIL bill, and I welcome those conversations with my colleagues.

I strongly encourage the U.S. Senate, the Commerce Committee, and my colleagues on that committee to act quickly on this urgent matter and join us in this legislation to make progress on this important issue. The time is short, but if we work together, we can accomplish a goal that is needed in this country and accomplish it by the time that it is needed to occur.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

WATERS OF THE UNITED STATES

Mr. GRASSLEY. Madam President, for the past 41 years, I have toured our State to hear from Iowa workers, our community leaders, and our farmers at my annual 99 county meetings. So far this year, I have been in 71.

As a farmer myself, I enjoy speaking with those involved in agriculture all across the State who tell me that they are third-, fourth-, fifth-generation farmers. These folks use the same soil and barns as their grandfathers before them. Everyone I speak with intends to leave their land to their children and leave it better than they found it. That goes way back to it being entrusted to their care. We all have that responsibility.

Between the use of cover crops, buffer strips, no-till farming, and minimal-till farming, more conservation practices than ever before are being used on Iowa's 35 million acres of farmland. While Iowa farmers are continuing to feed our country and the world, they are also doing so with fewer inputs and better soil and water outcomes.

Iowa farmers should be congratulated; however, it seems like there is always a target on the backs of Iowa farmers and I could say for maybe all American farmers. I want to get to that target, and that has something to do with this map that I have here of the State of Iowa.

Last week, it was reported that the Biden administration is moving forward to add redtape to their operations by rewriting President Trump's navigable waters protection rule. In my first telephone conversation with then-EPA nominee Administrator Regan and now the confirmed Administrator—by the way, confirmed by a unanimous vote of this Senate—I warned Administrator Regan against moving back to the Obama-era waters of the U.S. rule, which we call WOTUS for short. That is a regulation they shouldn't move back to because of the burden it placed on rural areas, including Iowa farmers.

In fact, under the old waters rule, 97 percent of Iowa's land would have been subject to jurisdiction under the Clean Water Act. In other words, all of the blue part of Iowa—with the exceptions of these areas that are white that adds up to the blue area—97 percent of this land mass of Iowa would be subject to Federal jurisdiction. Adding more Federal redtape to a farmer's day-to-day decisions on the farm is government overreach, plain and simple.

But besides Iowa's 86,000 farmers, a change in the Trump navigable waters protection rule will also result in significant redtape and significant expense for, among others, homebuilders, golf course managers, and construction companies as they make very routine decisions about how best to use the land and run their businesses.

Now, imagine that, not only have new home prices risen due to inflation and soaring lumber prices—and, by the way, lumber prices have added $36,000 to the price of a house just in the last year. Now, instead of that happening because lumber prices have gone up, now home prices, because of this proposed change in the regulation, will increase due to additional permitting that wasn't previously needed.

To clear up common confusion, the Trump-era rule that is now the law of the land did not give polluters free rein to discharge pollutions with no regard to the health of our Nation's waterways. Regulating the discharge of pollution into waterways is important and is done through other parts of the Clean Water Act.

The Trump rule made sure that where routine land use decisions were being made with little or no environmental impact, then those decisions would not be regulated by the Federal Government. EPA's release about its intention to overturn the navigable waters protection rule, which is the Trump rule, mentions that 333 projects would have required permits by the Obama waters rule that did not need government paperwork under the navigable waters protection rule of the Trump administration, and, of course, that is exactly the point—exactly the point of what was wrong with the WOTUS rule.

If you are simply moving dirt to level off a low point in a field, should that need a Federal permit? If a golf course is fixing a bunker or flattening a green, should that need a Federal permit? The obvious commonsense answer to both of these questions and a lot of other questions that can be put out there for speculative purposes is, What good does this redtape do for anyone? I want to underline that point.

My Republican colleagues and I want clean water and healthy soil for our families and our communities. This is important. But what I don't want is a Federal Government power grab that adds so much redtape to routine land use decisions that it slows our economy to a halt.

If the Biden administration decides to go down this road of reverting to the old Obama-era WOTUS, they will be seriously misguided. Why should you put the farmers of Iowa, as well as the other people, with many even having to get a permit to do normal farming practices—it just doesn't make sense.

For an administration that is so focused on updating our Nation's infrastructure, why does it make sense to propose a rule that only adds costs and delays construction with no identifiable benefit?

I urge President Biden and EPA Administrator Regan to listen to the farmers and land owners across the country. Wave the WOTUS rule goodbye. Put away the redtape that is going to come around as a result of what you are planning to do.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

BORDER SECURITY

Mr. CORNYN. Madam President, last month, more than 180,000 migrants crossed our southern border. That is the highest monthly total since the Clinton administration.