

her service on the Sentencing Commission, her work as a trial and appellate court judge, her experience as a clerk at all levels of the Federal judiciary, and her time as a Federal public defender.

She is a devoted daughter, sister, wife, mother, friend, and someone who is humble enough to say that she knows and loves the Constitution from which our freedoms flow. She stands on the shoulders of those who went before her—her parents, both proud HBCU graduates and the first in her family to go to college. Her uncles and her brother served in law enforcement, in the military. She is so well grounded in those institutions and traditions that have made our Nation great; and it fills me with confidence to know that a person of this skill, of this background, of this sense of judicial temperament—who endured a grilling that was, at times, tantamount to harassment by other members of the Senate Judiciary Committee—demonstrated her grace, her courage, and her integrity under sustained fire.

I very much look forward to the votes we will take in this Chamber later this week, and I will be honored to vote to confirm Judge Ketanji Brown Jackson to be the next Associate Justice of the U.S. Supreme Court.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I rise again, with my increasingly battered poster, to call on this body and in particular on corporate America to wake up to the threat of climate change.

Just this week, the IPCC report came out saying that we are now at the do-or-die, last-chance moment. The other interesting thing about that IPCC report was that it, for the first time, focused on the role of malicious fossil fuel political influence in preventing the solution.

Political influence is actually contributing to the climate change problem, and it is the scientists who are now pointing this out.

Well, one of the worst expositors of that political influence, the monster in the middle of that political influence campaign here in the United States, is the U.S. Chamber of Commerce. And I want to talk about them in a minute; but, first, let's do just a quick recap because we have known about climate change for a long time.

Scientists knew about the greenhouse effect back when Abraham Lincoln was riding around Washington in his top hat. In the 1950s—in the 1950s—the oil industry began research on the effects of greenhouse gas pollution. In 1977, nearly a half century ago, Exxon's top scientist warned management of what he called “general scientific agreement”—half a century ago, mind you—“general scientific agreement that the most likely manner in which mankind is influencing the global cli-

mate is through carbon dioxide release from the burning of fossil fuels.”

A Republican-led committee led by my predecessor, John Chafee, held a Senate hearing on climate change in 1986; and in 1989, the Chamber of Commerce—one of the most influential forces in Washington and now one of the biggest lobbyists for fossil fuel interests—the U.S. Chamber of Commerce issued a report for business leaders about the threat of climate change.

We have dug out that report because they entered it into the RECORD in a House proceeding later that day, and here is what that report said. I will quote at some length.

[T]here is qualitative agreement among prognosticators that sea levels will rise . . . wetlands will flood, salt water will infuse fresh water supplies, and there will be changes in the distribution of tree and crop species and agricultural productivity.

A significant rise in sea levels will flood now inhabitable land in some countries. . . . These same actions will affect wetlands and it may not be possible [to] protect both coastal and wetland areas.

Georgia, very susceptible to this, as the Presiding Officer knows.

Flooding will intrude into water supplies, such as in coastal cities (e.g., Miami and New Orleans). . . . Changes in temperature patterns will affect natural ecosystems by altering the distributions of species, and affecting forestry and silviculture. . . . [C]rop lands will change. . . . The stress will depend on changes in precipitation patterns.

Global warming will affect snowfall patterns, hence melt, and affect water supplies. Most of California's water supplies are from snow melt and if snow is reduced to rain, or melts quickly during the winter, water supplies in the summer will be less than now.

Does any of that sound familiar? Of course. It is what we are looking at around us now, and it is what the U.S. Chamber of Commerce predicted in 1989.

Knowing that, what did the chamber do? I will tell you what the chamber did.

Over the past two decades, every time Congress took up good climate bills, the chamber conspired to kill them.

The reason is pretty simple: The chamber serves as the arm of the fossil fuel industry. It takes its money, and it does its dirty work.

A couple of years ago, a witness at our Special Committee on the Climate Crisis explained how big trade groups like the chamber “adopt the lowest common denominator positions on climate of their most oppositional members.”

Fossil fuel pays the chamber to kill anything that threatens what the IMF estimates is an over \$600 billion annual subsidy for fossil fuel in the United States. On climate, it is not the U.S. Chamber of Commerce; it is the “U.S. Chamber of Carbon.”

Here are some of the corpses in the chamber's legislative graveyard. In 2005, the chamber opposed bipartisan cap-and-trade legislation. It issued a “key vote alert,” a signal that whoever voted in favor of the bill could face an onslaught of political attack ads.

Down the legislation went.

The chamber used the same playbook to kill cap-and-trade bills in 2007, including the aptly named Wake up to Climate Change bill that had started to gain steam until the “Chamber of Carbon” dug in against it.

In 2009, the chamber led the charge against the most promising climate bill in decades: the Waxman-Markey bill. The chamber spared no effort killing it. It harangued members, issued more vote alerts, and published “How They Voted” scorecards, with a clear message: Cross us and we will come after you.

Since then, the chamber's axis of influence in Congress has refused to hold hearings on, mark up, debate, or vote on any serious climate legislation.

At the same time, the chamber fought climate action in the courts and in executive Agencies. Here are a few of their cadavers there: In 2010, the chamber sued EPA to overturn the finding that greenhouse gas emissions endanger public health and welfare. Disabling that “endangerment finding” would cripple the Agency's ability to regulate carbon pollution under the Clean Air Act.

When courts rejected the chamber lawsuit, the chamber then set up as central command for fossil fuel lawyers, coal lobbyists, and Republican political strategists, who devised the legal schemes to fight climate regulations. This produced another chamber lawsuit to block the Clean Power Plan to reduce carbon pollution from powerplants. And on this occasion, five Republican appointees on the Supreme Court killed the Clean Power Plan using the shadow docket. They didn't even have proper hearings on it.

Once President Trump took office, the chamber began attacking and undoing Obama administration rules limiting carbon pollution. The chamber even funded the phony and debunked report that the Trump administration relied on to justify leaving the Paris accord.

The chamber's climate obstruction has continued across all fronts under President Biden. It released a position paper championing “clean” coal, which is right up there next to dry water and chilly heat. And, of course, it led the charge against our reconciliation bill, attacking more than \$500 billion in climate-related investments.

To make all this dirty work possible, the chamber weaponized the dark money powers afforded by the Supreme Court's ruling in *Citizens United*. The chamber knew the power that this decision would grant them. Indeed, it filed an amicus brief in that case, telling the Court to knock out limits on so-called outside spending.

And *Citizens United* then allowed outside groups to spend unlimited sums on electioneering activities, which teed up the chamber to funnel roughly \$150 million into congressional raises. And they bought a lot of climate denial with that money. It made them the

largest spender of dark money in congressional races.

Dark money talks, as we see every election on our television screens. But every bit as important, dark money threatens.

Republican colleagues have told me how this works. When a Republican dares to engage with Democrats to do something about climate change, a warning shot flies above their head. Chamber dark money and threats killed Republican support for substantial climate legislation.

When I got here in the Senate in 2007, there was a steady heartbeat of bipartisan climate activity, climate bill after climate bill, hearing after hearing. John McCain ran for President as a Republican with a strong climate platform. That all dropped dead in 2010 with that Citizens United dark money power in the hands of the chamber of commerce, which brings us to the present day.

American corporations, today, need to tell consumers and shareholders that they care about climate change. They need to for a couple of reasons. First, some of them actually are getting hurt by climate change—big insurers, the tourism industry, agribusiness. Tropical cyclones, more frequent heat waves, floods and droughts, more intense wildfires, higher sea levels—these things cost American businesses enormous amounts of money. According to NOAA, America sustained over 300 weather- and climate-related disasters since 1980, where the damage in that disaster topped a billion dollars and the total damage among all those disasters is over \$2 trillion—\$2 trillion lost to uncontrolled climate change, thanks to dark money efforts by the fossil fuel industry and, specifically, its operative, the “U.S. Chamber of Carbon.”

Of course, consumers expect corporations to face up to the climate threat. The public wants us to do something and big brands like Coke and Pepsi need to say the right things when it comes to climate. And many of these companies have great internal climate policies within the corporation. But then—but then—those companies turn around and they pay dues to the “U.S. Chamber of Carbon.” And the chamber—the corporate serial killer of all things climate in this building—goes out and kills the things that the companies say they want.

According to a new report from the watchdog group InfluenceMap, the chamber remains one of the biggest impediments to climate action in America. They said:

There has been no material improvement in the Chamber's climate change policy engagement over the past five years, despite its positive “high-level messaging” on climate.

InfluenceMap concluded in this report last month:

The organization remains a significant blockage to U.S. climate policy.

And it is supported by a whole swath of corporate America.

Many of us want a phone call with TechNet, the Silicon Valley trade association. Ten of its members are members of the “Chamber of Carbon.” They fund climate denial. They think they are doing the right thing on climate, but they are not. They are paying the biggest monster in the middle of a climate denial operation in this country.

So when Coke and Pepsi pay dues to the “Chamber of Carbon,” Coke and Pepsi's corporate net effect on climate legislation goes negative. The chamber keeps secret how much the fossil fuel industry paid it to turn the chamber into a “worst climate obstructor.” It has corralled its pro-climate members into what it calls a “climate conversation” that has been going on since 2019. I know that because I kicked it off. I thought something good might happen. But what has happened in that climate conversation since 2019 is that anything good on climate gets routed by the chamber into that climate conversation from which nothing serious has emerged in more than 2 years. It is where the good climate policy goes to die. It is the black hole of good climate action.

In the meanwhile, all the climate evil that doesn't get sent to the climate conversation goes straight by and out into chamber operations. At the end, the effect is clear: The “Chamber of Carbon” works the will of the fossil fuel industry and blocks climate progress in Congress, and it does so with corporate America's acceptance and financial support.

If the IPC is right that this is last call, that this is dangerous, that this is our make-or-break, do-or-die moment, then it is time for corporate America to tell the “Chamber of Carbon” to knock it off or to quit and disassociate themselves from the “worst climate obstructor” in America. We should no longer tolerate this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

NOMINATION OF KETANJI BROWN JACKSON

Mr. LANKFORD. Mr. President, there has been a lot of conversation in the past several weeks about Judge Jackson's judicial philosophy—rightfully so. This is a lifetime appointment on the U.S. Supreme Court. It is a serious position. I don't know a single Senator in this room that doesn't take their responsibility seriously. This is a big issue when you put anyone on the Supreme Court for a life appointment.

Everyone has had the opportunity to be able to go through case law, cases that she has handled, things she responded to, things that she has written, ways that she has responded. Actually, I had time last week to sit down with her for about 45 minutes in the office just to be able to talk and to be able to get back-and-forth with her a little bit.

I want to give a little bit of context to that because many Americans watched all the hearings that happened last week—a full week of just conversa-

tion with her, asking her all kinds of different questions. I don't serve on the Judiciary Committee so I am on the outside looking in. That is why I got time individually with her for about 45 minutes to be able to ask her questions and get to know her.

By the way, I had folks in Oklahoma say: You had the opportunity to sit down with her; what is she like?

To all of them, I answered the same way. She is actually the kind of person you would want to invite over for dinner, just to be able to sit and visit with—extremely pleasant, outgoing, personable, smart, sharp, wonderful smile and interaction. You would want to invite her over to dinner to be able to visit with.

But my decision is not about whether to invite her over for dinner to be able to spend time with. My decision is, How will they handle a lifetime appointment on the Supreme Court and how will they handle the law?

The difficult part of this conversation has been interesting. It really circled around judicial philosophy. How would you handle cases?

We can't ask: How are you going to actually rule on this specific case? Because if she answers, then she has to recuse herself from that case in the days ahead, and everyone knows that.

So we are always trying to determine: How will you treat cases in the days ahead and what lens will you look through? That is a reasonable conversation.

Her response has been interesting. Her response was that she had a “methodology” as a judge, and it has three aspects to it: Neutrality, which is a good thing; receiving all the appropriate inputs, which is making sure everyone is heard; and looking at the factual record and the text of the statute. That is actually a very good starting point with this.

The question then goes to the next set of questions on it: How do you handle the U.S. Constitution and where does that document fit in? Is it living? Is it changing? Is it the original text and the meaning of it, or does it have a living version that changes?

That is a reasonable conversation because there have been different Justices on the Supreme Court that have handled that differently.

The late Justice William Brennan wrote:

For the genius of the Constitution rests not in any static meaning it might have had in a world that is dead and gone, but in the adaptability of its great principles to cope with current problems and current needs.

Well, that is not an original meaning in the original context and locked into that.

Justice Antonin Scalia wrote:

The Constitution that I interpret and apply is not living, but [it is] dead, or as I prefer to call it, enduring. It means, today, not what current society, much less the court, thinks it ought to mean, but what it meant when it was adopted.

In other words, those words had meaning at that time. They couldn't