

And last year, President Biden nominated Judge Jackson to serve on the DC Circuit Court of Appeals, oftentimes referred to as our Nation's second highest court. Yet again, she was confirmed by the U.S. Senate with bipartisan support.

During the decade that she served as a Federal judge, Judge Jackson established a track record as a consensus builder, just like Justice Breyer. During the decade that she served as a Federal judge, Judge Jackson has been evenhanded and she has been impartial. During the decade that she has served as a Federal judge, Judge Jackson has ruled for and against the government, in favor of prosecutors and for criminal defendants, and for both civil plaintiffs and defendants.

As Judge Jackson told our colleagues on the Judiciary Committee recently, she has, she said:

a duty to decide cases based solely on the law, without fear or favor, prejudice or passion.

Judge Jackson is always guided by our Constitution. And it is why she received the support of judges nominated by Democrat and Republicans alike, by law enforcement and the civil rights community, and by Republicans and Democrats in this body on multiple occasions.

Now, these past few weeks, I heard some of our colleagues on the other side of the aisle use this confirmation process to mention the unfairness toward past nominees. Well, every one of these nominees—every nominee that they referred to received a hearing and a vote. The same cannot be said of Merrick Garland, former chief justice of the DC Court of Appeals who was nominated by former President Obama to serve on the Supreme Court. Judge Garland did not receive a hearing. Judge Garland did not receive a vote because our colleagues on the other side of the aisle decided to invent a new rule, and most of them even refused to meet with Merrick Garland, one of the finest servants I have ever known. And this shameful blockade led to what many Americans, myself included, view as a stolen Supreme Court seat, a permanent stain on this body's reputation and a reduction in the Supreme Court's credibility.

Then 4 years later, our colleagues on the other side of the aisle broke their own precedent and invented yet another new rule to confirm a Supreme Court Justice 8 days—8 days before election day, when tens of millions of ballots had already been cast.

And while I will never forget this truly shameful behavior, this week we have a chance to move away from politics. We have a chance to place an extremely well-qualified nominee to the Supreme Court and to do so with the support of Senators from both sides of the aisle.

In the end, the American people need to trust the Supreme Court to make decisions on questions that impact every single American: whether we

have access to clean air is one of those issues, whether we have access to clean water, whether we have access to good healthcare, whether women have the right to make their own healthcare decisions. We need a Supreme Court that stays above the political fray. We need a Supreme Court that calls "balls and strikes," as Chief Justice Roberts once said—a Supreme Court that maintains the trust of the American people as the arbiter of a Constitution that protects the civil rights of all Americans.

Judge Jackson will bring a breadth and a diversity of experience to the Supreme Court not often seen. Judge Jackson's resume—Harvard; Harvard Law; clerk to three Federal judges, including Justice Breyer; a public defender; U.S. Sentencing Commission vice chairman; Federal district court judge; and Federal Circuit Court judge—is evidence that she is among the most-qualified individuals in our country for this esteemed role.

Her character and her intellect are beyond reproach. She weathered a grueling confirmation process with grace and dignity.

Let me close by noting that Judge Jackson's nomination is proof that today in America one's qualifications and unrelenting work ethic earn you your spot, that public service is valued and commitment to the principles that protect our country do mean something, that the sacrifices of one generation slowly but surely make for a better America for the next generation.

So count me among the millions of Americans who are inspired by Judge Jackson's life story, a uniquely American story that provides proof that our Nation can be made more perfect over time.

And it brings this Senator from Delaware, who grew up in Danville, the last capital of the Confederacy, into a much different America. It brings me great joy to be able to cast a vote for Judge Ketanji Brown Jackson to serve as an Associate Justice on the Supreme Court of the United States.

And with that I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

MOTIONS TO INSTRUCT CONFEREES

Mr. SANDERS. Mr. President, I look forward to offering two rollcall votes on motions to instruct conferees to the so-called "competitiveness" bill based on the assurances given to me by the majority leader. I am not quite sure when we are going to get to that, but I look forward to offering those two rollcall votes.

The first motion would instruct the conference committee not to provide \$53 billion to the highly profitable microchip industry without protections for the American people.

The second motion would instruct conferees not to provide a \$10 billion bailout to Blue Origin, a space company owned by Jeff Bezos, the second-wealthiest person in America, who is also the owner of Amazon. Amazon is a company which, in a given year, pays

nothing—zero—in Federal income taxes after making billions in profits; and, by the way, in a given year, Mr. Bezos himself, one of the wealthiest people in the country, has paid nothing in Federal income taxes despite being worth nearly \$200 billion.

Let me be very clear. Mr. Bezos has enough money to buy a very beautiful \$500 million yacht. It looks very nice to me, not that I know much about yachts; but that one looks very nice. Mr. Bezos has enough money to purchase a \$23 million mansion with 25 bathrooms. I am not quite sure you need 25 bathrooms, but that is not my business—and here is that mansion. So, no, count me in as somebody who does not think that the taxpayers of this country need to provide Mr. Bezos a \$10 billion bailout to fuel his space hobby.

When all is said and done, both of these motions are—the one on \$53 billion for the microchip industry and \$10 billion for Mr. Bezos—touch on an extremely important issue that is very rarely discussed in the corporate media or on the floor of the Senate, and that is how we proceed—how we go forward with industrial policy in this country.

I should be very clear in saying I believe in industrial policy. I believe that it makes sense on certain occasions for the government and the private sector to work together in a mutually beneficial way to address a pressing need in America.

Industrial policy, to me, means cooperation between the government and the private sector—cooperation. It does not mean the government providing massive amounts of corporate welfare to extremely profitable corporations without getting anything in return: Here is your check. Do what you want. Have a nice day.

In other words, will the U.S. Government develop an industrial policy that benefits all of our society or will we continue to have an industrial policy that benefits just the wealthy and the powerful?

In 1968, Dr. Martin Luther King, Jr., said:

The problem is that we all too often have socialism for the rich and rugged free enterprise capitalism for the poor.

I am afraid that what Dr. King said 54 years ago was not only accurate back then but is even more accurate today.

We hear a lot of talk around here about the need to create public-private partnerships. That all sounds very good, but when the government adopts an industrial policy that socializes all of the risk and privatizes all of the profits, whether it is handing the microchip industry a \$53 billion blank check or giving Mr. Bezos a \$10 billion bailout to fly to the Moon, that is not a partnership. That is the exact opposite of a partnership. That is corporate welfare. That is crony capitalism.

Each and every day, I have heard my Republican colleagues and some corporate Democrats blame inflation on runaway government spending. In fact,

one of my colleagues in the Democratic caucus has even suggested that we need to take a strategic pause when it comes to making urgent Federal investments in childcare, healthcare, education, affordable housing, paid family and medical leave, and home healthcare—policies that would substantially improve the lives of the American people. Well, you know what I believe. I believe that maybe—just maybe—the time has come to take a strategic pause when it comes to providing tens of billions of dollars in corporate welfare to some of the most profitable corporations and wealthiest people on this planet.

The American people are becoming increasingly sick and tired of corporations making recordbreaking profits while ordinary people struggle to pay outrageously higher prices for gas, for rent, for food. They are sick and tired of the high cost of prescription drugs, childcare, housing, groceries. They are sick and tired of CEOs making 350 times more than the average worker while over half of our people live paycheck to paycheck. The American people are sick and tired of the wealthiest people in our country and the most profitable corporations in some cases not paying a nickel in Federal income tax.

What does this so-called competitive-bill do? Instead of addressing any of these issues, this bill provides \$53 billion in corporate welfare to the microchip industry, with no protections for the American people, and a \$10 billion bailout to Mr. Bezos. Now, that may make sense to Mr. Bezos, and it may make sense to other corporate leaders, but it does not make sense to me nor do I think it makes sense to the American people.

In terms of the microchip industry, the American people should know the truth. We are talking about an industry that has shut down over 780 manufacturing plants in the United States and eliminated 150,000 American jobs over the last 20 years as a result of moving their productions overseas. They have shut down plants in America and moved them overseas for cheap labor.

In other words, in order to make more profits, these companies closed plants in America and hired people—sometimes at starvation wages—in other countries, and now, believe it or not, these very same people, these very same companies, are in line to receive \$53 billion in corporate welfare to literally undo the damage that they caused.

Now, some of my colleagues make the point that the microchip industry is enormously important for our economy and that we must become less dependent on foreign nations for microchips. I agree. There is no argument about that. But we can and must accomplish that goal of breaking our dependence on foreign countries for microchips without simply throwing money at these huge corporations

while the taxpayer gets nothing in return.

I suspect five major semiconductor companies will likely receive the lion's share of this taxpayer handout. They are Intel, Texas Instruments, Micron Technology, GlobalFoundries, and Samsung. These five companies that are in line for a \$53 billion bailout made over \$75 billion in profits last year.

The company that will likely benefit the most from this taxpayer assistance is Intel. I have nothing against Intel. I wish them the very best, but let us be clear: Intel is not a poor company. Intel is not going broke—far from it. In 2021, Intel made nearly \$20 billion in profits. We are talking about a company that had enough money to spend over \$14 billion during the pandemic not on research and development but on buying back its own stock to reward its executives and wealthy shareholders. We are talking about a company that could afford to give its CEO, Mr. Pat Gelsinger, a \$116 million compensation package last year. We are talking about a company that could afford to spend over \$100 million on lobbying and campaign contributions over the past 20 years. Does it sound like this company, as well as the others, really needs corporate welfare? I don't think so.

Another company that would receive taxpayer assistance under this legislation is Texas Instruments. Last year, Texas Instruments made \$7.8 billion in profits. In 2020, this company spent \$2.5 billion in buying back its own stock while it has outsourced thousands of good-paying American jobs to low-wage countries and spent more than \$40 million on lobbying over the past 20 years. That is Texas Instruments.

And on and on it goes.

So the first amendment that I would like a vote on and expect a vote on would instruct the conference committee to prevent microchip companies from receiving taxpayer assistance unless they agree to issue warrants or equity stakes to the Federal Government. If private companies are going to benefit from over \$53 billion in taxpayer grants, the financial gains made by these companies must be shared with the American people, not just wealthy shareholders.

In other words, all this amendment says is that, if these investments turn out to be profitable as a direct result of these Federal grants, the taxpayers of this country have a right to get a return on that investment.

This is by no means a radical idea. These exact conditions were imposed on corporations that received taxpayer assistance in the bipartisan CARES Act, which, as you will recall, passed the Senate 96 to 0. In other words, every Member of the U.S. Senate has already voted for the conditions that are in this amendment.

In addition, this amendment would instruct the conference committee to require these highly profitable compa-

nies not to buy back their own stock, not to outsource American jobs, not to repeal collective bargaining agreements, and to remain neutral in any union-organizing efforts.

Again, this is not a radical idea. All of these conditions were imposed on companies that received funding from the CARES Act, and that passed the Senate by a vote of 96 to 0.

The second motion that I have introduced touches on an issue that we have very, very rarely discussed on the floor of the Senate. Unbelievably, the so-called competition bill would provide some \$10 billion in taxpayer money to Jeff Bezos, the second wealthiest person in America, for his space race with Elon Musk, the wealthiest person in America. So we are looking at a space race between the two wealthiest guys in America.

You know, when I was a young man a few years ago and Neil Armstrong went to the Moon, I recall like yesterday the kind of incredible joy and pride in this country because the United States of America did something that people never ever thought would be possible. Who would have dreamed of sending a man to the Moon? Extraordinary. The entire world, not only people in America, watched that event with bated breath. All over the world, TV sets were on every continent on Earth. It was just an extraordinary accomplishment for all of humanity. That is what Neil Armstrong said when he stepped onto the Moon—that it was not just for the United States—but we, of course, our Nation, took special pride because that was an American project.

I worry very much that what we are seeing now is not a space race between the United States and other countries as to which nation will return to the Moon or perhaps get to Mars but, rather, a space race between Mr. Musk and Mr. Bezos—the two wealthiest people in America—as to who will gain control over NASA and future space explorations.

In other words, if we are able to accomplish the unbelievable, extraordinary goal of sending a person to Mars, I want the flag that will be flying on that planet to be the flag of the United States of America, not the flag of SpaceX or Blue Origin.

Let us be clear: The \$10 billion in this bill for Jeff Bezos and his space company, Blue Origin, is just the tip of the iceberg. The reality is that the space economy, which today mostly consists of private companies using NASA facilities free of charge to launch satellites into space, is already very profitable and could become and will likely become even more so in the future.

Bank of America predicts that by 2030, the space economy will triple in size to \$1.4 trillion. That is “trillion” with a t.

According to the most recent data, private corporations made over \$94 billion in profits a year for goods or services that are used in space—profits

that could not have been achieved without the assistance of NASA, a government Agency funded by the taxpayers of America.

And while we are talking about the profitability of satellites today—and that is already a very profitable industry—sometime in the future—not next year, not 10 years from now, but sometime in the future—the real money may come to those who not only provide satellites but those who figure out how to mine lucrative minerals or asteroids. Does this sound like science fiction? It is not. This is exactly what is being worked on right now, mining lucrative minerals on asteroids.

In 2015, the famous astrophysicist, Neil deGrasse Tyson, predicted:

The first trillionaire there will ever be is the person who exploits the natural resources on asteroids . . . There's this vast universe of limitless energy and limitless resources. I look at wars fought over access to resources. That could be a thing of the past, once space becomes our backyard.

End of quote, Mr. deGrasse Tyson.

Who gets to own the resources discovered by private corporations in space?

Well, as a result of a little-known 2015 SPACE Act that passed the Senate by unanimous consent with virtually no floor debate, private corporations are able to own all of these resources. In other words, the taxpayers of this country will get a zero-percent return on the investment they made in these private enterprises, which could turn out to be unbelievably lucrative.

Is that what we want space exploration to become? Do we really think that it is acceptable for NASA to hand out billions of dollars to some of the wealthiest billionaires in America today to make them even wealthier? Or do we want to use space exploration to benefit all of the American people and improve life here on the planet for everyone?

It is time that we had a serious debate on the future of NASA, instead of just handing out \$10 billion to Mr. Bezos.

Let me conclude by saying that I happen to believe and support space exploration. I think the benefits could be extraordinary for the American people and for people all over the world. But if we continue down the path of privatizing space exploration, it also has the potential to make the obscenely rich even richer and more powerful than anyone can possibly imagine today. In my view, we cannot and must not allow that to happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

NOMINATION OF KETANJI BROWN JACKSON

Mr. BENNET. Mr. President, I rise tonight to support Ketanji Brown Jackson's nomination to serve as an Associate Justice on the U.S. Supreme Court.

Judge Jackson comes to this floor with impeccable credentials. She graduated from Harvard magna cum laude.

She graduated with honors from Harvard Law School, where she edited the Harvard Law Review.

After graduation, Judge Jackson worked at top firms in private practice and secured three prestigious clerkships, including one for Justice Breyer on the Supreme Court of the United States. Later, she served as a public defender, representing people who couldn't afford a lawyer.

I can't think of better evidence of her commitment to equal justice under the law, where everyone, regardless of their means, has the right to fair representation.

Judge Jackson is clearly qualified for this position. There is nobody who doubts that. My colleagues know it because the Senate has confirmed her three times with bipartisan support: first, to serve as Vice Chair of the U.S. Sentencing Commission; second, for the U.S. District Court for the District of Columbia; and, last, for the U.S. Court of Appeals for the DC Circuit.

Taken together, Judge Jackson comes to this floor with the best legal training America can offer: a decade of experience on the Federal bench and a consistent record of bipartisan support here on this floor.

I had the opportunity to meet with Judge Jackson 2 weeks ago, after she had been rolled around in the barrel—that is one way of saying it—during the confirmation hearings that people all over the country watched. And in our conversation, after she had been through all of that turmoil, she told me about how her parents had attended segregated schools in Miami before working as public school teachers here in Washington, DC. Her dad went on to be a lawyer, a lawyer for the Miami school district, something I appreciate, having been a superintendent of schools.

Unlike her parents, Judge Jackson grew up in America after the civil rights laws of the 1960s and remembered how hard her parents worked every single day to give her opportunities they never even dreamed of for themselves. And she seized those opportunities. She earned top grade. She was elected student body president.

And when she told her guidance counselor she wanted to apply to Harvard, the counselor warned she shouldn't set her "sights so high." Fortunately for America, she set her sights high. She set her sights where they should have been set. She followed the high example of her parents, working hard and impressing everyone along the way, friends and colleagues and mentors, who are virtually beating down the doors of this Capitol to tell us what a thoughtful, fairminded, and principled Justice she would be.

That hasn't stopped some colleagues from distorting her record, trying to say to the American people that she is soft on crime. That would come as news, I think, to the Fraternal Order of Police, who has endorsed her candidacy for the Court. It would come as news to

the International Association of Chiefs of Police. Both have endorsed her nomination. They see what is obvious to anyone who fairly reviews her record, which is that Judge Jackson has spent her entire career devoted to the rule of law.

Her brother and two uncles served as police officers. So law enforcement isn't some academic abstraction for her. It is literally her family.

The Presiding Officer knows something about that, I think, in his family history as well.

In our meeting, I asked Judge Jackson what makes a good judge. We had a long talk about that. One of the things she said was communication, because judges have to explain their reasoning in every decision, which is a lot more than I can say for the U.S. Senate.

She also said that it is the unique role of the judge to identify and to extract their bias before every case. And if you look at her more than 570 written decisions, it is clear how seriously she takes that responsibility.

I was just on the phone with some people from Colorado before I came over here. And I said to them—I told them I was coming out here to give this speech. And I said to them—these are old, old friends of mine—that I can't remember a time when I sat down with somebody and had a 30-minute conversation where I came away more impressed than I was by Judge Jackson.

I found her to be both brilliant and completely down-to-earth, which is, I think, a particularly important combination for a judge at any level—at any level—to have both the intellect to grapple with the nuances of the law and the experience to appreciate how it affects real people.

It wasn't that long ago that Judge Jackson would have received over 90 votes on this floor, just like her mentor, Justice Breyer, did; just like qualified judges when I was in law school myself. The Senate confirmed Justice Breyer 96 to 3, just like we confirmed Justice Scalia 98 to 0, and Justice Sandra Day O'Connor got 91 to nothing. Somebody was out that day. I guarantee you they would have voted for her if they had been here.

Each time that happened, the Senate reinforced the independence of the judiciary, set aside our partisan politics, and stood up, I think, for integrity and for the rule of law.

I am sad. I am sad tonight that Judge Jackson won't get 99 votes tomorrow, even though she deserves it. And that is not a reflection on her. As I said, if this were an earlier day in the Senate, she would get 99 votes. She would have gotten 99 votes if she had come in a different era. It is a reflection of how we, as Senators—and I among them—have shredded our constitutional responsibility to advise and consent.

It is my hope that by the time—I was going to say, when my children are adults; they almost are adults; they