

So let's be crystal clear about what this vote is. A vote to confirm Todd Blanche is a vote to endorse his fight to ban abortion in all 50 States. Whatever happened to this being a State's decision?

Every Republican who votes yes is voting for exactly that—his words, not mine—and any Republican who votes to confirm him will own that in every State, in every way. This isn't just a confirmation vote anymore; it is a roll-call vote in which Senators endorse banning abortion in all 50 States at the Federal level. I am voting no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CONGRESSIONAL REVIEW ACT

Mr. WHITEHOUSE. Mr. President, I am here to take us into the upcoming vote, the Congressional Review Act vote, with respect to an EPA rule related to PFAS.

For those of you who aren't following this, PFAS is a dangerous and toxic substance that, I think, Republicans and Democrats alike see as a dangerous and inadequately regulated substance. Unfortunately, it is particularly prevalent in military installations, and particular exposure has been faced by veterans and also by folks who are in our emergency response community—firefighters. Airports get a lot of it because of the firefighting drills that they have to have. It is a very significant problem.

There was a rule that required the reporting about PFAS use. Manufacturers and importers just have to say: Here is what we are doing. But it is important to get that information out so that people can understand where the exposure is to these toxic PFAS chemicals. Well, just before—like 4 days before—that reporting window was supposed to open and require the reporting of PFAS exposure, Trump's EPA announced a new interim rule with a delay of the reporting requirement until next year. They delayed it once. That delay ran out. This is the second delay.

First of all, I don't think there is any need for a delay. Second of all, there is every reason to believe that the chemical industry is behind weakening PFAS protections during the delay period. That would be consistent with the Trump EPA's favoritism toward any pollutant and any polluter all the time.

So here we are with a deadline for reporting. This isn't regulation; this is reporting public information that is being scrapped and extended. I would hope because of the fact that the PFAS contamination danger falls across red and blue States alike that we could send a bipartisan message today, through this Congressional Review Act, back to the EPA, saying: No, you don't get a second delay. Start the reporting right now. If you want to come back and weaken the standard, we will fight you on that, but that is a separate fight. At least let's get the reporting on PFAS contamination out there.

So I urge my colleagues to support this Congressional Review Act.

I understand that the distinguished chairman of the Environment and Public Works Committee would like to respond. So I ask unanimous consent that Senator CAPITO be recognized and that, at the conclusion of her remarks, I be recognized to go through the parliamentary steps necessary for the vote.

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

The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I thank the distinguished Senator from Rhode Island for recognizing me but also for giving me a chance to talk about my opposition to S.J. Res. 187.

As he explained, this resolution would rescind Trump's EPA's extension of its start date for PFAS reporting under section 8 of TSCA. Yet, the CRA only does one thing about the rule, and that is as to the date that the reporting window opens. It would force the window to open months before the EPA's reporting system is even ready to receive submissions.

The EPA moved this date for a straightforward reason, which is that the infrastructure that is needed to support this reporting program is still being built. Companies will file this data through the EPA's electronic system, the Central Data Exchange. Across two administrations—that is the previous administration and this one—the EPA has moved this reporting window three separate times for this very reason, which is that the electronic platform that companies must use is just not complete. Both the Biden and the Trump EPAs have explained in detail the technical challenges associated with this reporting program: this rule's requiring of a collection of more than a decade of historic PFAS information from thousands of entities across a broad range of uses.

This CRA cannot make the EPA build the system faster, and it won't address contamination or pollution in the interim. The only real effect it will have is to force an unworkable deadline rather than to stand up a PFAS reporting system that works for the long term, and that is what we all want.

Consider what passing this would really mean. It would set a Federal reporting deadline that would be physically impossible to meet, putting both regulated entities and the EPA in a very difficult position. There is no finished system to file through, and there is no time left to assemble all of those years of data. It would do this while exposing small businesses and manufacturers to potential enforcement for failing to comply with the reporting requirement that the EPA itself has concluded cannot be met.

I have seen the impact of PFAS contamination firsthand in my home State of West Virginia. I think Senator WHITEHOUSE and I agree that this is an issue—an important issue—that we

need to address. I have led efforts to try to clean up legacy contamination in order to protect communities that did not cause this pollution, like our water utilities and our farmers, and to ensure that polluters bear the responsibility for the PFAS cleanup.

I have helped secure funding to address PFAS contamination in the communities that need it the most, and I have chaired hearing after hearing on PFAS cleanup, disposal, and liability. So I think my record is very clear on this.

So addressing PFAS should not be a partisan issue. Both parties, both Chambers, both of us, and two consecutive administrations have recognized: PFAS is a serious public health challenge that requires practical solutions.

But this does not make PFAS reporting more effective; it does not make the reporting system come online any faster; and it does not provide communities with better data.

So I would urge a no vote from my colleagues.

And with that, I yield back to Senator WHITEHOUSE.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Well, I am sorry that we can't agree on this particular provision because we are working together on so many things so well. But I will have to confess I have real doubts about whether EPA is really trying to put this together, as deadline after deadline slips and slips and slips.

So perhaps we will see what happens. But if, for some reason, this CRA should fail, perhaps we can come back again after EPA slips the deadline again and perhaps has baked in some goodies for the PFAS industry along the way. And if we can't do it today, then soon send a bipartisan message to the EPA to knock it off and get about their business with PFAS.

LEGISLATIVE SESSION

Mr. WHITEHOUSE. Mr. President, with that, I ask unanimous consent that the Senate resume legislative session.

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

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO "MODIFICATION TO THE START OF THE SUBMISSION PERIOD FOR PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES (PFAS) REPORTING AND RECORDKEEPING UNDER TSCA 8(A)(7)"—Motion to Proceed

Mr. WHITEHOUSE. Mr. President, I move to proceed to Calendar No. 532, S.J. Res. 187.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 532, S.J. Res. 187, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to "Modification to the Start of the Submission Period for Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Reporting and Recordkeeping Under TSCA 8(a)(7)".

VOTE ON MOTION

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mr. WHITEHOUSE. 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 senior assistant legislative clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN) and the Senator from Kentucky (Mr. MCCONNELL).

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—48

Alsobrooks	Heinrich	Reed
Baldwin	Hickenlooper	Rosen
Bennet	Hirono	Sanders
Blumenthal	Kaine	Schatz
Blunt Rochester	Kelly	Schiff
Booker	Kim	Schumer
Cantwell	King	Shaheen
Collins	Klobuchar	Slotkin
Coons	Lujan	Smith
Cortez Masto	Markey	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Fetterman	Murray	Warren
Gallago	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Hassan	Peters	Wyden

NAYS—50

Armstrong	Graham	Moreno
Banks	Grassley	Murkowski
Barrasso	Hagerty	Paul
Boozman	Hawley	Ricketts
Britt	Hoeben	Risch
Budd	Husted	Rounds
Capito	Hyde-Smith	Schmitt
Cassidy	Johnson	Scott (FL)
Cornyn	Justice	Scott (SC)
Cotton	Kennedy	Sheehy
Cramer	Lankford	Sullivan
Crapo	Lee	Thune
Cruz	Lummis	Tillis
Curtis	Marshall	Tuberville
Daines	McCormick	Wicker
Ernst	Moody	Young
Fischer	Moran	

NOT VOTING—2

Blackburn McConnell

The motion was rejected.

The PRESIDING OFFICER (Mr. MORENO). On this vote, the yeas are 48, the nays are 50. The motion is not agreed to.

The motion was rejected.

The PRESIDING OFFICER. The majority whip.

EXECUTIVE SESSION

Mr. BARRASSO. Mr. President, I move to proceed to executive session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Colorado.

NOMINATION OF TODD BLANCHE

Mr. HICKENLOOPER. Mr. President, the Senate is currently considering the nomination of Todd Blanche to serve as Attorney General of the United States. The Attorney General is one of the most important positions in the U.S. Government.

Not only does the Attorney General serve as a trusted member of the President's Cabinet, but he also leads the Department of Justice, the Agency responsible for enforcing the laws of the land and, hopefully—traditionally—enforcing them in a nonpartisan way.

That is a difficult job in any administration, but under this President, who values personal loyalty above pretty much all else, it may well be impossible.

During his confirmation hearing, Mr. Blanche was asked about his relationship with the President. He responded, "I'm his lawyer," before quickly correcting himself to say that he previously "was" his lawyer. Now, this wasn't a slip; this was a tell.

Mr. Blanche will not be an impartial check on the President.

And here is another tell: For months, Mr. Blanche has insisted the Department of Justice slush fund is dead. Yet, as recently as this weekend, President Trump was saying the exact opposite. He defended the fund.

So when Mr. Blanche says the slush fund is dead, the slush fund isn't moving forward, don't believe him, not for 1 second. His word is worth about as much as the Trump meme coin.

During reconciliation, we introduced an amendment to permanently—permanently—end the DOJ slush fund. Despite bipartisan support, it ultimately was voted down. That means taxpayers could still be on the hook for paying bounties, rewards to people who attacked our democracy, attacked this Capitol.

At a time when working families are struggling with rising costs, the last people the Federal Government should seek to reward, to subsidize are those who assault our elections, people like convicted election criminal Tina Peters, who tried to undermine Colorado's free and fair elections; people like the January 6 rioters—my first full day of work in this position—the rioters who stormed this very Chamber in an attempt to tear apart our democracy.

The DOJ slush fund isn't dead; it is dormant. Until Congress permanently closes this avenue through legislation, we shouldn't rely on assurances alone. If there is even a chance that this fund could be revived, this confirmation, this moment, is when this Chamber and its Members have the greatest leverage to act. We should not surrender that leverage for promises that can be undone at the President's whim.

A DOJ letter promising to end the slush fund isn't law, it isn't binding, and it is certainly not enough.

Now, to be clear, we don't believe Mr. Blanche will break all of his promises. When he says behind closed doors that he wants the Dobbs v. Jackson decision to become, in his words, "permanent in every state," we should believe him.

When someone reveals themselves to you, it is generally a good idea to believe them.

Whether it is abortion access or access to the ballot box, we should have little confidence that this new Attorney General will not target Colorado or other blue States because that is exactly what his boss wants.

We cannot allow a fox to guard the henhouse. We need an Attorney General who is loyal to the Constitution, not to President Trump. Mr. Blanche does not seem to be that person. Mr. Blanche is not that person.

I strongly, strongly oppose his confirmation and urge all of my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

HEMP

Mr. RICKETTS. Mr. President, we have a drug problem in this country today, and right now, there is an industry that is targeting our children with look-alike products with intoxicating levels of THC. THC is tetrahydrocannabinol. Now, this is the psychoactive ingredient that you find in marijuana.

How could we possibly let this happen? Well, let's take a step back. In 2018, we passed a farm bill, and at the time, there were those who wanted to separate hemp—a plant that has some THC in it—from cannabis, which is a marijuana plant. Hemp used to be grown in this country, made into rope back in the 1940s.

This is what we were told was going to happen. The bill was written, but in that farm bill, it said you had to keep the THC for delta-9, a certain type of THC, down to 0.3 percent by dry weight. Well, what happened was some clever chemist figured out that you could take this product, which makes CBD oil, right, which is commonly available, and take CBD oil, chemically alter it, and create delta-8 and delta-10, which also have those intoxicating effects.

The problem is, this is all unregulated, and so an industry exploded—an industry that in part targeted our kids with look-alike products that had THC at intoxicating levels, targeted kids with them.

For example, we have an example here of Sour Patch Kids look-alikes. You may say: Why are they doing that? Well, they are trying to grow their market share. Sadly, the outcome was that this past July, a 3-year-old and 4-year-old in Nebraska took these out of their mom's purse and got THC poisoning. Even worse news is that this is not an uncommon occurrence.

We have seen the potency of THC over the last few years, from 1995 to 2021, increase and increase four times.