

usual form prior to a vote on the Pietrzyk nomination.

Who yields time?

Mr. BURR. I yield back the remaining time.

Mr. HARKIN. We yield back our remaining time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Joseph Pius Pietrzyk, of Ohio, to be a Member of the Board of Directors of the Legal Services Corporation?

The nomination was confirmed.

VOTE ON BUSH NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to a vote on the Bush nomination.

Who yields time?

Mr. HARKIN. Madam President, we yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Dwight L. Bush, Sr., of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, the President will be immediately notified of the Senate's action, and the Senate will resume legislative session.

LEGISLATIVE SESSION

CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 2014—Continued

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I think the end is in sight, hopefully, on this bill. Our staff has been working hard. We have all been working hard to get amendments worked out. I know both sides have conference lunches that are taking place now. So we hope to come back shortly after these luncheons conclude. We will then be able to move ahead.

As I understand it, there are three amendments pending. We don't know whether they will have votes, but we are working on that right now. So I hope we can have final passage on this bill very shortly.

Does my friend, the Senator from North Carolina, concur with that?

Mr. BURR. Madam President, I do concur. I urge those Members who might be the subject of us trying to work out some language on their amendments, if they have not spoken on them, they exercise the opportunity between 1 o'clock and 2 o'clock, while the caucuses are at lunch, to come to the floor and speak on their amend-

ments. But we are confident we have made tremendous progress and we think we can wrap this up shortly after lunch on the remaining amendments, as well as on passage of the bill.

I yield the floor.

Mr. HARKIN. Madam President, 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. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. UDALL of Colorado. Madam President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

(The remarks of Mr. UDALL of New Mexico pertaining to the introduction of S. 2129 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. UDALL of New Mexico. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 2827

Mr. PORTMAN. Madam President, I rise today to thank my colleagues for adopting a moment ago an important amendment to this underlying bill. It is an amendment to provide for evidence-based training in efforts that promote early language development and literacy development. This is really important for kids to get them ready for kindergarten, and, again, I appreciate the fact that on a voice vote that was adopted earlier this afternoon.

Madam President, I now rise to urge the Senate to support a child safety amendment I have submitted to the child development block grant bill. I thank Senator ALEXANDER, Senator BURR, Senator MIKULSKI, and Senator HARKIN for all their help on this amendment. I appreciate their working with us.

I like the underlying legislation. It is a good bill because it goes a long way to ensuring that our Federal dollars are spent in a way that does keep our children in safe learning environments and care facilities. I believe my amendment makes a good bill even better.

Currently, this legislation prohibits individuals who have been convicted of a felony from working in a childcare facility that is funded through these Federal block grants. That is a good start, but by limiting the prohibition only to felonies, we are leaving other people out. We are leaving a pool of individuals who have been convicted of crimes against children eligible for employment in a setting where they could prey on vulnerable kids.

So the amendment simply expands to ensure that we are covering those peo-

ple. It ensures the health and safety of children by clarifying that adults who are convicted of misdemeanor violent crimes against children—child abuse, child endangerment, sexual assault—or of a misdemeanor involving child pornography are also identified in criminal background checks and are not permitted to work in a childcare facility that receives support through these child care development block grants.

Let me give a couple examples of crimes that under the bill as currently drafted would not prevent an individual from working in a childcare facility funded by the legislation.

In my home State of Ohio, we just had a terrible example. An Ohio daycare worker was accused of sprinkling drugs on snacks to get children to sleep. She was fined \$250 and then had her charges reduced to a misdemeanor count of child endangerment after a plea agreement. So she did not get charged with a felony in the end because she pled it down to a misdemeanor. But certainly you do not want someone like this working in one of these facilities.

There are lots of other examples.

A Utah woman pled guilty to two class A misdemeanors recently for child abuse. These charges were reduced from five second-degree felonies for intentionally inflicting serious physical injury on a child. She had been arrested for physically and emotionally abusing her daughter. According to the police report, she hit her daughter with a closed fist and choked her. But she pled, again, guilty to two misdemeanors because of the plea agreement.

These are just a couple cases. There are many more, and these are just ones that have been decided in the last few months.

Under the legislation as currently written, these individuals would be eligible to work in a childcare facility that receives Federal funds.

This amendment is very simple. It only seeks to protect children and to bar individuals who would commit crimes against the most vulnerable among us from receiving these Federal tax dollars. I urge my colleagues to accept the amendment.

Again, I thank the authors of the underlying bill for working closely with us on this amendment to improve legislation that is already a good and is doing a lot to protect our kids.

I yield back my time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Madam President, as we talk today about passing new laws, I would like to take a few minutes to talk about enforcing the laws the Congress has already passed.

I want to talk today about something that I believe has been pushed to the wayside too many times by the current administration, and that would be the Constitution of the United States.

Article II, section 3 of the U.S. Constitution declares that the President—

coming right out of the Constitution—that the President “shall take care that the laws be faithfully executed.” Simply put, constitutional requirements are just that—they are constitutional requirements. They are not constitutional suggestions. This is not something the Constitution does not clearly define. The branches of government in the Constitution are the judicial, the legislative, and the executive. And the job of the executive is, again, to do what? To “take care that the laws be faithfully executed.”

Yet time and again President Obama has refused to enforce the law and shown a willingness, frankly, to misuse regulations, in my view, to sidestep the Congress, to sidestep what the law intended to do and, more importantly, to step around the Constitution. Whether it is issuing waivers to States from the work requirements contained in the bipartisan Welfare Reform Act of 1996 or announcing yet another change—and we are now at over two dozen changes and delays—in the President’s own health care law, the current administration has sought ways, over and over again, to circumvent the Congress by picking and choosing which laws it wants to enforce—clearly not a power given the President in the Constitution.

In fact, there is a reason the legislative branch is article I of the Constitution. Because the Founders clearly saw the legislative branch as the branch that would determine the direction of the country, and the President’s job was not to write the law, the President’s job was to execute the law, to enforce the law.

People all over America are rightly concerned about government overreach. They are rightly concerned about government dysfunction. They are rightly concerned about a Senate that has not brought the appropriations bills to the floor the way they should come to the floor for over 7 years now, so we are not debating our priorities.

But it is the overreach, the dysfunction, the lack of compliance with the law and the seeming belief that somehow that is the President’s job, to decide which laws we comply with as a country and which ones we do not, which laws the government enforces and which ones it does not enforce. That is not the President’s job.

I introduced a bill this week to stop this overreach and to force President Obama to uphold the Constitution. The ENFORCE the Law Act, which is cosponsored by more than half of my Republican Senate colleagues, and which passed the House yesterday, permits Congress to authorize a lawsuit against the President if he fails to uphold the constitutional obligation to uphold the law.

Whenever we are asked, all of us as Members of the Senate, by people that we work for: How can the President decide he is not going to enforce the law, one of the responses we all have

thoughtfully given to the other question of: What are you going to do about it, is at this point there is no standing of individual Members of Congress or even the entire body of the Senate or the body of the House to go to court and say: We have standing in court to have this law enforced.

This bill would become law, and a law that would give the Congress that standing. It effectively permits the Congress, either House of the Congress, to authorize a lawsuit against the President if he fails to uphold his constitutional obligation to faithfully execute the law.

If the President has a defense, this is a lawsuit. His side can go to court and defend that. But if he does not have a defense, he has sworn, as we have, to uphold the Constitution. This is not a partisan matter. This bill is important because it gives Congress the ability to combat executive disregard for the Congress no matter what party controls the White House or no matter what party controls the Congress.

The courts have ruled that individual Members of Congress lack standing to take the administration to court. We are not considered individually so-called “aggrieved parties.” That is why Members, whether it was the National Labor Relations Board case where the President thought he could decide whether the Senate was in session, instead of the Senate deciding whether the Senate was in session—I joined many of my colleagues to file an amicus brief. I am not a lawyer, but I am able to do that as a citizen, to file an amicus brief, a friend-of-the-court brief, saying why we thought the President was wrong and why we thought the people who were challenging the rules that this group created, that were put in power in an unconstitutional way—we could file that but we could not initiate that. We could not go to court and say: We believe the law is not being enforced.

The ENFORCE Act removes that procedural barrier, so that a Member of the House, a Member of the Senate, can be empowered to bring a lawsuit in Federal court challenging the administration’s refusal to enforce the law, challenging the administration’s belief that on their own they can suspend the law, they can postpone the law, they can delay the law.

If the law gives the President the ability to do that, it is going to be in the clear black-and-white letters of the law. It is not there now. The ENFORCE Act provides an expedited process so that if this lawsuit is initiated this way, by one or both Houses of the Congress against the administration for not faithfully executing the law, it goes immediately to a three-judge panel in the U.S. district court and then goes directly to the Supreme Court if there is an appeal.

This is an easy way to solve this problem. It is a way that creates standing to define who is constitutionally obligated to do a job that they are not

doing. It is time we reestablished the proper limits on the executive branch. The Founders believed in separation of powers. It is the responsibility of the Congress to protect the idea they came up with in a document for the first time that was a governing document, the idea of checks and balances. If you eliminate that idea of checks and balances, you eliminate the miracle of the Constitution.

I urge my colleagues on both sides of the aisle to join me and others in supporting this effort to stop executive overreach and encourage the President to enforce the law. The Constitution still matters. The Constitution deserves to be defended. This is a way the Members of the Congress of the United States can give themselves the ability to launch that defense.

Again, I urge my colleagues to join me in supporting this bill that the House passed yesterday. All we have to do to do our part is step forward and pass this legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. REID. I ask unanimous consent that at 2:30 p.m. today, the Senate proceed to Executive Session to consider the following nomination: Calendar No. 686; that the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session; further, that there be 2 minutes of debate equally divided prior to each vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I yield back all time, and ask that the vote start immediately, and all Senators should be advised that we will start the vote.

EXECUTIVE SESSION

NOMINATION OF CAROLINE DIANE KRASS TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY

The PRESIDING OFFICER (Ms. HIRONO). Under the previous order, the Senate will proceed to executive session to consider the Krass nomination which the clerk will report.

The bill clerk read the nomination of Caroline Diane Krass, of the District of