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 a 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

Columbia, to be General Counsel of the Central Intelligence Agency.

Mr. REID. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 I ask unanimous consent that the quorum call be rescinded.

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

Mr. REID. Has the unanimous consent request been approved?

The PRESIDING OFFICER. The unanimous consent request has been approved.

All time has been yielded back.

The question is, Will the Senate advise and consent to the nomination of Caroline Diane Krass, of the District of Columbia, to be General Counsel of the Central Intelligence Agency?

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER (Ms. WARREN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 76 Ex.]

YEAS—95

Alexander	Franken	Murkowski
Ayotte	Gillibrand	Murphy
Baldwin	Graham	Murray
Barrasso	Grassley	Nelson
Begich	Hagan	Portman
Bennet	Harkin	Pryor
Blumenthal	Hatch	Reed
Blunt	Heinrich	Reid
Booker	Heitkamp	Risch
Boozman	Hirono	Roberts
Boxer	Hoeven	Rockefeller
Brown	Inhofe	Rubio
Burr	Isakson	Sanders
Cantwell	Johanns	Schatz
Cardin	Johnson (SD)	Schumer
Carper	Johnson (WI)	Sessions
Casey	Kaine	Shaheen
Chambliss	King	Shelby
Coats	Kirk	Stabenow
Coburn	Klobuchar	Tester
Cochran	Landrieu	Thune
Collins	Leahy	Toomey
Coons	Lee	Udall (CO)
Corker	Levin	Udall (NM)
Cornyn	Manchin	Vitter
Crapo	Markey	Walsh
Donnelly	McCain	Warner
Durbin	McCaskill	Warren
Enzi	McConnell	Whitehouse
Feinstein	Menendez	Wicker
Fischer	Merkley	Wyden
Flake	Mikulski	

NAYS—4

Cruz	Paul
Heller	Scott

NOT VOTING—1

Moran

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 2014—Continued

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Louisiana.

AMENDMENT NO. 2845, AS MODIFIED

Mr. VITTER. Madam President, I call up my amendment No. 2845 and ask that it be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment, as modified.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 2845, as modified.

Mr. VITTER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Secretary (acting through the Assistant Secretary for Children and Families) to prepare an annual report that contains a determination about whether States have complied with a priority requirement, and to require the Secretary to withhold funds from States that fail to comply with such priority requirement)

On page 99, strike line 19 and insert the following:

''(ii) REPORT BY ASSISTANT SECRETARY FOR CHILDREN AND FAMILIES.—

''(I) IN GENERAL.—Not later than September 30 of the first full fiscal year after the date of enactment of the Child Care and Development Block Grant Act of 2014, and September 30 of each fiscal year thereafter, the Secretary (acting through the Assistant Secretary for Children and Families of the Department of Health and Human Services) shall prepare a report that contains a determination about whether each State uses amounts provided to such State for the fiscal year involved under this subchapter in accordance with the priority for services described in clause (i).

''(II) PENALTY FOR NONCOMPLIANCE.—For any fiscal year that the report of the Secretary described in subclause (I) indicates that a State has failed to give priority for services in accordance with clause (i), the Secretary shall—

''(aa) inform the State that the State has until the date that is 6 months after the Secretary has issued such report to fully comply with clause (i);

''(bb) provide the State an opportunity to modify the State plan of such State, to make the plan consistent with the requirements of clause (i), and resubmit such State plan to the Secretary not later than the date described in item (aa); and

''(cc) if the State does not fully comply with clause (i) and item (bb), by the date described in item (aa), withhold 5 percent of the funds that would otherwise be allocated to that State in accordance with this subchapter for the first full fiscal year after that date.

''(III) WAIVER FOR EXTRAORDINARY CIRCUMSTANCES.—Notwithstanding subclause (II) the Secretary may grant a waiver to a State for one year to the penalty applied in subclause (II) if the Secretary determines there are extraordinary circumstances, such as a natural disaster, that prevent the state from complying with clause (I). If the Secretary does grant a waiver to a state under this section, the Secretary shall, within 30 days of granting such waiver, submit a report to the appropriate congressional committees on the circumstances of the waiver including the stated reason from the State on the need for a waiver, the expected impact of the waiver on children served under this program, and any such other relevant information the Secretary deems necessary.

''(iii) CHILD CARE RESOURCE AND REFERRAL SYSTEM.—''

Mr. VITTER. Madam President, I will briefly summarize this amendment, but I first want to thank the chairman and ranking member of the committee for working through this amendment and agreeing to what I think will be a quick consideration and adoption by voice vote.

This amendment is very simple, straightforward, but important. Present law with regard to child care and development block grants—present Federal law—says that States should and must prioritize for two categories of children: low-income kids and children with special needs. I think we all agree with that prioritization. The problem is, as recent reports have indicated, about half of all the States—23 to be exact—do not do that. They just basically ignore that Federal law.

This simple, straightforward amendment would bring accountability to the system and make sure all States follow present Federal law and give that appropriate priority treatment to children with special needs as well as low-income kids. It would do this by saying that there is going to be some accountability; that the Federal Department involved in the program already will annually make sure States follow this aspect of present law and that if a State is not doing that, it gets 6 months to cure the problem, but if it does not cure that within 6 months, then that State would feel the pinch by having 5 percent of its block grant funds withheld until it corrects the situation.

The amendment also gives the Secretary waiver authority for extraordinary circumstances, such as natural disasters and other emergencies.

Again, I appreciate the chairman and ranking member working out this provision. I do think it is important that all States follow Federal law, and we give these children—special needs children, low-income children—the priority treatment they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, the amendment has the admirable goal of prioritizing funds to low-income families who have children with disabilities. I applaud Senator VITTER's efforts and hope this provides significant reinforcement of what has been the law since 1996—that States must prioritize children from very low-income families