

CBO has estimated because we are spending tons of money. We don't have the money, so we are now handicapped.

This bill, S. 1319, requires that each act of Congress shall contain a concise explanation of the authority, the specific constitutional authority under which this bill would be enacted. What it does is makes Congress go to the Constitution, and particularly article I, section 8, and say, here is where I get the authority. We won't win many of those arguments, even though many of the bills will be outside of the authority granted us under the Constitution.

Thomas Jefferson thought such an exercise was vitally important—we have ignored his advice—he thought it was important for Congress to undertake in order to study what those who ratified the Constitution had in mind. In a letter in 1823, he said this:

On every question of construction, let us carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed.

There is no question what the context and the meaning was of our Founders when they wrote out the enumerated powers section. We have prostituted it to our own demise. The words of Benjamin Franklin ring true today: Can we keep it. If we can keep it.

S. 1319 is a little exercise in self-discipline for the Senate that maybe we ought to be explaining to the American people where we think we get the authority to trample on the 10th amendment, to tell them what to do, how to do it, and by the way, we need some money to tell you how to do that. The whole goal of the Enumerated Powers Act is to make us accountable. My whole goal in the Senate has been transparency. We ought to be transparent about how we get or where we get or from where we get the authority to grow the size of this government even further and to make it less effective.

Finally, in a recent speech, retiring Justice David Souter recently commented that the American Republic "can be lost, it is being lost, it is lost, if it is not understood." He went on to cite surveys that show Americans cannot even name the three branches of government. That is why he and retired Justice Sandra Day O'Connor have both undertaken, in their retirement, efforts to restore America's civic education.

I am convinced that if Americans know what is in the Constitution, they will start holding us accountable. Part of our job ought to be to explain how we can be accountable. We have 17 Senators who think this is a good idea. That is a lot for a bill in the Senate. I encourage my colleagues to look at this bill, to become accountable and transparent with our constituencies.

I will end on one final note. When the Presiding Officer was sworn in this

year, he took an oath. That oath said he would uphold the Constitution. Not once in his oath did it mention the State of Alaska from where he and the people he represents in the Senate hail, but his oath was sworn to the betterment of this country, not to the betterment of Alaska, as mine is to the betterment of the country, not to the betterment of Oklahoma. For Alaska and Oklahoma can't fare well if the country doesn't fare well. So our Founders knew that when we took this oath to uphold the Constitution, they knew our direction would be national interests and long term. We have fallen away from that. We have become parochial and we have become short term.

This bill says you can still cheat on the Constitution, but now you have to explain to the American people why you are cheating, and there will be a point of order against any bill that doesn't provide an explanation to the people.

That is one of the ways we get our country back because the American people become informed. I guarantee you many will become outraged when they hear some of the statements on why the Senate thinks we have the authority to do some of the things we do.

With that, I yield the floor.

CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 303 of S. Con. Res. 13, the 2010 Budget Resolution, permits the Chairman of the Senate Budget Committee to adjust the allocations of a committee or committees, the aggregates, and other appropriate levels and limits in the resolution for legislation that makes higher education more accessible and affordable, including expanding and strengthening student aid, such as Pell grants. These adjustments to S. Con. Res. 13 are contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

I find that the amendment in the nature of a substitute to H.R. 1777, a bill to make technical corrections to the Higher Education Act of 1965, and for other purposes, fulfills the conditions of the deficit-neutral reserve fund for higher education. Therefore, pursuant to section 303, I am adjusting the aggregates in the 2010 budget resolution, as well as the allocation to the Senate Health, Education, Labor, and Pensions Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 303 DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION

[In billions of dollars]

Section 101

(1)(A) Federal Revenues:	
FY 2009	1,532.579
FY 2010	1,653.728
FY 2011	1,929.681
FY 2012	2,129.668
FY 2013	2,291.197
FY 2014	2,495.875
(1)(B) Change in Federal Revenues:	
FY 2009	0.008
FY 2010	-12.258
FY 2011	-158.950
FY 2012	-230.725
FY 2013	-224.140
FY 2014	-137.783
(2) New Budget Authority:	
FY 2009	3,675.736
FY 2010	2,892.510
FY 2011	2,844.937
FY 2012	2,848.106
FY 2013	3,012.328
FY 2014	3,188.867
(3) Budget Outlays:	
FY 2009	3,358.952
FY 2010	3,004.544
FY 2011	2,970.592
FY 2012	2,883.053
FY 2013	3,019.952
FY 2014	3,175.217

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[In millions of dollars]

Current Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2009 Budget Authority	-22,425
FY 2009 Outlays	-19,056
FY 2010 Budget Authority	4,497
FY 2010 Outlays	1,539
FY 2010-2014 Budget Authority	50,374
FY 2010-2014 Outlays	44,507
Adjustments:	
FY 2009 Budget Authority	-187
FY 2009 Outlays	-202
FY 2010 Budget Authority	32
FY 2010 Outlays	36
FY 2010-2014 Budget Authority	188
FY 2010-2014 Outlays	199
Revised Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2009 Budget Authority	-22,612
FY 2009 Outlays	-19,258
FY 2010 Budget Authority	4,529
FY 2010 Outlays	1,575
FY 2010-2014 Budget Authority	50,562
FY 2010-2014 Outlays	44,706

FURTHER CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 401(c)(4) of S. Con. Res. 13, the 2010