

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

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 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

budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in such legislation for those purposes and so designated pursuant to section 401(c)(4). The adjustment is limited to the total amount of budget authority specified in section 104(21) of S. Con. Res. 13. For 2009, that limitation is \$90.745 billion, and for 2010, it is \$130 billion.

On June 18, 2009, the Senate Appropriations Committee reported S. 1298, the Department of Homeland Security Appropriations Bill, 2010. The reported bill contains \$242 million in funding that has been designated for overseas deployments and other activities pursuant to section 401(c)(4). The Congressional Budget Office estimates that the \$242 million in designated funding will result in \$194 million in new outlays in 2010. As a result, I am revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays by those amounts in 2010.

In addition, I am also revising part of the adjustment I made last week to the budgetary aggregates pursuant to section 401(c)(4) of S. Con. Res. 13 for the conference report to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009. Specifically, I am reducing the amount of the adjustment in budget authority and outlays by \$11 million each in 2010.

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; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES**

[In billions of dollars]

<i>Section 101</i>	
(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 .....	2,892.499

<i>Section 101</i>	
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 .....	3,004.533
FY 2011 .....	2,970.592
FY 2012 .....	2,883.053
FY 2013 .....	3,019.952
FY 2014 .....	3,175.217

**CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 401(b) SENATE DISCRETIONARY SPENDING LIMITS**

[In millions of dollars]

	Initial Allocation/Limit	Adjustment	Revised Allocation/Limit
FY 2009 Discretionary Budget Authority .....	1,482,201	0	1,482,201
FY 2009 Discretionary Outlays .....	1,247,872	0	1,247,872
FY 2010 Discretionary Budget Authority .....	1,086,027	242	1,086,269
FY 2010 Discretionary Outlays .....	1,306,065	194	1,306,259

**VOTE EXPLANATION**

Mr. UDALL of Colorado. Mr. President, due to unexpected travel delays, I missed a recorded vote on the Senate floor on Monday, June 22, 2009. Had I been present, I would have voted yea on rollcall vote No. 211.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

**PRISON RAPE ELIMINATION REPORT**

• Mr. KENNEDY. Mr. President, I commend the members of the National Prison Rape Elimination Commission for its excellent report and recommendations. Sadly, rape and sexual abuse have often been regarded as inevitable facts of life in prisons across the country. Until now, the Federal Government had never conducted a reliable study of the issue—even though more than 2 million men and women are now behind bars nationwide. The shocking reality is that 1 in 10 of those 2 million will be victims of rape.

At greatest risk are the 100,000 juvenile inmates, the 200,000 men and women held in immigration detention centers, and the many inmates suffering from mental illness. Juvenile facilities in particular are regularly the site of shocking physical and mental abuse, and juveniles incarcerated in adult facilities are five times more likely to report being victims of sexual assault than those in juvenile facilities.

The recommendations contained in this new report identify the steps and standards needed to achieve safer conditions in our prison system. The members of the Commission deserve our gratitude for their skill and dedication in examining all aspects of this com-

plex and serious problem, and so do all those who contributed their knowledge and expertise to the Commission's work. Their leadership is a major step toward resolving this festering crisis.

I look forward to the important work ahead by the Congress, the Attorney General, and the many dedicated professionals, advocates, and experts to implement the Commission's recommendations.●

**COMMENDING SARAH ANDERSON**

Mr. THUNE. Mr. President, today I rise to recognize Sarah Anderson, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Sarah is a graduate of Roosevelt High School in Sioux Falls, SD. Currently she is attending the Dakota State University, where she is majoring in elementary and K-12 education. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Sarah for all of the fine work she has done and wish her continued success in the years to come.

**COMMENDING BRADY BEHRENS**

Mr. THUNE. Mr. President, today I rise to recognize Brady Behrens, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Brady is a graduate of Roosevelt High School in Sioux Falls, SD. Currently he is attending the University of Nevada, Las Vegas, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Brady for all of the fine work he has done and wish him continued success in the years to come.

**COMMENDING KATHERINE DOUGLAS**

Mr. THUNE. Mr. President, today I rise to recognize Katherine Douglas, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Katherine is a graduate of T.F. Riggs High School in Pierre, SD. Currently she is attending the University of South Dakota, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Katherine