

By Mr. BINGAMAN (for himself and Mr. WELLSTONE):

S. 2548. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. WELLSTONE, Mr. ENZI, and Mr. KENNEDY):

S. 2549. A bill to ensure that child employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 2550. A bill to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. BYRD:

S. 2551. An original bill making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. SNOWE (for herself, Mr. BAUCUS, and Mr. BINGAMAN):

S. 2552. A bill to amend part A of title IV of the Social Security Act to give States the option to create a program that allows individuals receiving temporary assistance to needy families to obtain post-secondary or longer duration vocational education; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2553. A bill to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 274. A resolution expressing the sense of the Senate concerning the 2002 World Cup and co-hosts Republic of Korea and Japan; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. Con. Res. 116. A concurrent resolution to express the sense of the Congress regarding dyspraxia; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 603

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 603, a bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes.

S. 677

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 786

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 786, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 812

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

S. 966

At the request of Mr. DORGAN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 966, a bill to amend the National Telecommunications and Information Administration Organization Act to encourage deployment of broadband service to rural America.

S. 1156

At the request of Mr. SMITH of Oregon, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1156, a bill to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

S. 1271

At the request of Mr. VOINOVICH, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1271, a bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1339

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1339, supra.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to

provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1523

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1626

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1626, a bill to provide disadvantaged children with access to dental services.

S. 1678

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1742

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1742, a bill to prevent the crime of identity theft, mitigate the harm to individuals victimized by identity theft, and for other purposes.

S. 1767

At the request of Mr. KENNEDY, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1767, a bill to amend title 38, United States Code, to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 1924

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1967

At the request of Mr. KERRY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1967, a bill to amend title XVIII of the Social Security Act to improve outpatient vision

services under part B of the medicare program.

S. 2194

At the request of Mr. MCCONNELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2213

At the request of Mr. SESSIONS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2213, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain overseas pay of members of the Armed Forces of the United States.

S. 2317

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2317, a bill to provide for fire safety standards for cigarettes, and for other purposes.

S. 2329

At the request of Mr. BREAUX, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2329, a bill to improve seaport security.

S. 2488

At the request of Mr. BROWNBACK, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2488, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 2513

At the request of Mr. BIDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2513, a bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 2529

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2529, a bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program.

S. 2534

At the request of Mr. BIDEN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2534, a bill to reduce crime and prevent terrorism at America's seaports.

S. 2537

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 2537, a bill to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will

be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes.

S.J. RES. 37

At the request of Mr. WELLSTONE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S.J. Res. 37, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002, and submitted to the Senate on March 15, 2002.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 258

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 258, a resolution urging Saudi Arabia to dissolve its "martyrs" fund and to refuse to support terrorism in any way.

S. CON. RES. 105

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 105, a concurrent resolution expressing the sense of Congress that the Nation should take additional steps to ensure the prevention of teen pregnancy by engaging in measures to educate teenagers as to why they should stop and think about the negative consequences before engaging in premature sexual activity.

S. CON. RES. 110

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

S. CON. RES. 115

At the request of Mr. KENNEDY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. BOXER), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Con. Res. 115, a concurrent resolution expressing the sense of the Congress that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families.

AMENDMENT NO. 3420

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 3420 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3447

At the request of Mr. BYRD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 3447 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

At the request of Mr. DORGAN, his name was added as a cosponsor of amendment No. 3447 proposed to H.R. 3009, *supra*.

AMENDMENT NO. 3448

At the request of Mr. BYRD, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 3448 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3449

At the request of Mr. BYRD, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 3449 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3452

At the request of Mr. BYRD, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 3452 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3500

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3500 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3503

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3503 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3504

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a co-sponsor of amendment No. 3504 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 2539. A bill to prohibit the use of taxpayer funds to advocate a position that is inconsistent with existing Supreme Court precedent with respect to the Second amendment; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, today I am introducing legislation to prohibit the use of taxpayer funds to advocate a position on the meaning of the Second Amendment that is inconsistent with existing Supreme Court precedent, as expressed in the Supreme Court case of *United States v. Miller*.

This legislation responds to the Bush Administration's recent filing of two unprecedented briefs to the United States Supreme Court, which argued that the Second Amendment establishes an individual right to possess firearms. In taking this position, the Justice Department directly contradicted the well-established precedents of the Supreme Court, as expressed in the seminal case of *United States v. Miller*. In that 1939 case, the Supreme Court found that the Second Amendment did not establish a private right of individuals to possess firearms, but rather was intended to ensure the effectiveness of groups of citizen-soldiers known at the time as the Militia.

The Court in *United States v. Miller* explained the historical background to the Second Amendment and issued its ruling clearly and unambiguously. That ruling has never been reversed, and the Court has followed it in every subsequent related case. Similarly, the precedent in *United States v. Miller* has been followed by every Justice Department over the past several decades, including the Justice Departments of Presidents Ronald Reagan, Richard Nixon and George H.W. Bush.

The meaning of the Second Amendment should not be a partisan issue. In fact, it should not be a political issue. It is a legal and constitutional issue. And the law on this question has been clearly established by the highest court in the land in case after case for a period of many decades.

Unfortunately, instead of following the law, as Attorney General promised to do during his confirmation hearing, the Bush Administration and the Justice Department have used their authority to file briefs as a means of pursuing a partisan political agenda that flies in the face of established Supreme Court precedents. This is wrong. And,

in my view, it is a misuse of taxpayer dollars.

Congress should not have to pass a law to ensure that the Executive Branch follows the Constitution, as clearly interpreted by the Supreme Court. Unfortunately, in light of the Bush's Administration's latest actions, Congress must step in. After all, Congress's ultimate power is the power of the purse. And we have a responsibility to use that power, when necessary, to ensure that the Executive Branch complies with constitutional law.

This responsibility flows from Congress's obligation to preserve, protect and defend the Constitution. It also flows from our obligation to ensure that taxpayer dollars are not misused. The American people should not be forced to pay taxes to support an unreasonable interpretation of the Second Amendment that is not only inconsistent with constitutional law, but that threatens to undermine legislation needed to reduce gun violence and to save lives.

In 1998, more than 30,000 Americans died from firearm-related deaths. That is almost as many as the number of Americans who died in the entire Korean War. In my view, there is much that Congress needs to do to reduce these deaths, including enacting reasonable gun safety legislation. Yet if the Bush Administration prevails in its effort to radically revise the Second Amendment, such laws could well be undermined. The end result would be more death and more families losing loved ones to the scourge of gun violence.

In fact, I would note that one week after the Bush Administration filed their briefs, lawyers for accused American Taliban terrorist John Walker Lindh used the Administration's arguments to urge dismissal of the gun charge filed against him. Now, I hope and trust that the courts will quickly reject this line of argument. But why would the Bush Administration want to strengthen the position of criminals and alleged terrorists like John Walker Lindh in the first place?

I have asked the Congressional Research Service whether there are any constitutional precedents that would bar the Congress from adopting this legislation, and the answer was "no." I also would note that there is precedent for Congress prohibiting the use of taxpayer dollars to advocate positions with which Congress disagrees. For example, Congress for many years prohibited the Justice Department from using appropriated money to overturn certain rules under our antitrust laws. This responded to the filing of a brief in the Supreme Court by the Justice Department urging a revision of its precedents on resale price maintenance, and the legislation effectively blocked the Department from filing similar briefs.

In conclusion, we should not allow taxpayer dollars to be used to mis-

represent the meaning of the Second Amendment on behalf of a partisan, political agenda. We should defend the Constitution against such ideological attacks. We should protect taxpayers from being forced to subsidize ideological gambits. And we should ensure that the Constitution is not misused to undermine gun safety legislation that could save the lives of many innocent Americans.

I hope my colleagues will support the bill, and I ask unanimous consent that the text of the legislation be printed in the RECORD, along with some related materials about this matter.

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

S. 2539

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PROHIBITION ON THE USE OF FUNDS.

No funds appropriated to the Department of Justice or any other agency may be used to file any brief or to otherwise advocate before any judicial or administrative body any position with respect to the meaning of the Second Amendment to the Constitution that is inconsistent with existing Supreme Court precedent, as expressed in *United States v. Miller* (307 U.S. 174 (1939)).

[From the New York Times, May 12, 2002]

#### A FAULTY RETHINKING OF THE 2ND AMENDMENT

(By Jack Rakove)

STANFORD, CA.—The Bush administration has found a constitutional right it wants to expand. Attorney General John D. Ashcroft attracted only mild interest a year ago when he told the National Rifle Association, "The text and original intent of the Second Amendment clearly protect the right of individuals to keep and bear firearms."

Now, briefs just filed by Solicitor General Theodore Olson in two cases currently being appealed to the Supreme Court indicate that Mr. Ashcroft's personnel opinion has become that of the United States government. This posture represents an astonishing challenge to the long-settled doctrine that the right to bear arms protected by the Second Amendment is closely tied to membership in the militia. It is no secret that controversy about the meaning of the amendment has escalated in recent years. As evidence grew that a significant portion of the American electorate favored the regulation of firearms, the N.R.A. and its allies insisted ever more vehemently that the private right to possess arms is a constitutional absolute. This opinion, once seen as marginal, has become an article of faith on the right, and Republican politicians have in turn had to acknowledge its force.

The two cases under appeal do not offer an ideal test of the administration's new views. One concerns a man charged with violating a federal statute prohibiting individuals under domestic violence restraining orders from carrying guns; the other involves a man convicted of owning machine guns, which is illegal under federal law. In both cases, the defendants cite the Second Amendment as protecting their right to have the firearms. The unsavory facts may explain why Mr. Olson is using these cases as vehicles to announce the administration's constitutional position while urging the Supreme Court not to accept the appeals.

The court last examined this issue in 1939 in *United States v. Miller*. There it held that