means of achieving and maintaining compliance with the provisions of section 6(h).

''(5) The report submitted biennially by the Secretary to Congress under paragraph (1) shall include a separate evalution and appraisal regarding the implementation of section 6(h).''.

SEC. 8. CONFORMING AMENDMENTS.

(a) CONGRESSIONAL EMPLOYEES.—

(1) APPLICATION.—Section 203(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(a)(1)) is amended—

(A) by striking ''subsections (a)(1) and (d) of section 6'' and inserting ''subsections (a)(1), (d), and (h) of section 6''; and

(B) by striking ''206 (a)(1) and (d)'' and inserting ''206 (a)(1), (d), and (h)''.

(2) REMEDIES.—Section 203(b) of such Act (2 U.S.C. 1313(b)) is amended by inserting before the period the following: ''or, in an appropriate case, under section 16(f) of such Act (29 U.S.C. 216(f))''.

(b) EXECUTIVE BRANCH EMPLOYEES.—

(1) APPLICATION.—Section 413(a)(1) of title 3, United States Code, as added by section 2(a) of the Presidential and Executive Office Accountability Act (Public Law 104–331; 110 Stat. 4053), is amended by striking ''subsections (a)(1) and (d) of section 6'' and inserting ''subsections (a)(1), (d), and (h) of section 6''.

(2) REMEDIES.—Section 413(b) of such title is amended by inserting before the period the following: ''or, in an appropriate case, under section 16(f) of such Act''.

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall take effect 1 year after the date of enactment of this Act.

FAIR PAY ACT—SUMMARY

The bill amends the Fair Labor Standards Act of 1938 to prohibit discrimination in wages paid to employees within a workplace in equivalent/comparable jobs solely on the basis of a worker's sex, race or national origin.

It requires employers to preserve records on wage setting practices and file annual reports with the EEOC. Reports would disclose the wage rates paid for jobs within the company as well as the sex, race and national origin of employees within these positions. Confidentiality of the names is mandated.

The bill exempts small businesses that have 25 employees or less the first two years and 15 employees or less after the second year the legislation is enacted.

It directs the EEOC to provide technical assistance to employers and report to Congress on the progress of the Act's implementation. However, it is up to the individual business to determine wages and job equivalency within the organization.

The bill includes non-retaliation protections for employees inquiring about or assisting in investigations related to the Act.

It prohibits companies from reducing wages to achieve pay equity.

By Mr. SMITH of New Hampshire (for himself, Mr. CRAIG, Mr. INHOFE, and Mr. HELMS):

S. 703. A bill to amend section 922 of chapter 44 of title 18, United States Code; to the Committee on the Judiciary.

BRADY ACT AMENDMENTS OF 1999

Mr. SMITH of New Hampshire. Mr. President, I rise to introduce a bill that I am calling the ''Brady Act Amendments of 1999,'' which would remove ''long guns'' from the requirements of the National Instant Criminal Background Check System (NICS). I am pleased to be joined by my distinguished colleagues, Senators CRAIG, INHOFE, and HELMS, as original cosponsors.

Mr. President, Congress has imposed many restrictions on firearms sales over the years, with no apparent effect on reducing crime. By contrast, the most effective crime fighting initiatives have been undertaken at the state and local levels. Many states have dramatically reduced crime by increasing their incarceration rates. Local governments, such as that of Richmond, Virginia, reduced crime rates by aggressively prosecuting cases involving possession of firearms by convicted felons and drug dealers—not by imposing any new restrictions on the purchase of firearms.

In fact, Mr. President, states that have fewer restrictions on the purchase of firearms have more favorable crime reduction trends than other states. Despite all of the favorable media fanfare over the Brady Act, states that were covered by its ''waiting period'' phase until the NICS went into effect late last year actually had worse crime trends than other states.

The Federal Bureau of Investigation notes that out of the total number of homicides in a recent reporting period that were committed with firearms, less than 7% were committed with rifles, and less than 7% were committed with shotguns. Out of the total number of homicides, rifles and shotguns each were used in 4%, while knives, which may be purchased without clearance by the NICS, were used in 13% of such cases.

Mr. President, my bill would amend the Brady Act to make the NICS apply not to firearms in general, but only to handguns.

Mr. President, I ask unanimous consent to have the text of my bill printed in the RECORD.

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

S. 703

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Brady Act Amendments of 1999.''

SEC. 2. LIMITATION OF COVERAGE OF BRADY ACT TO HANDGUNS.

Subsection (t) of section 922 of chapter 44 of Title 18, United States Code, is amended by striking ''firearm'' in paragraphs (1), (2), (4), (5), and (6), and the first time it appears in paragraph (3), and inserting in lieu thereof ''handgun.''

By Mr. KYL (for himself, Mr. JOHNSON, Mr. HATCH, Mr. THURMOND, Mr. INOUYE, Mr. GRASSLEY, Mr. DORGAN, Mr. SESSIONS, Mr. CLELAND, Mr. ASHCROFT, Mrs. LINCOLN, and Mr. ABRAHAM):

S. 704. A bill to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs; to the Committee on the Judiciary.

FEDERAL PRISONER HEALTH CARE COPAYMENT ACT

● Mr. KYL. Mr. President, I rise to introduce the Federal Prisoner Health Care Copayment Act, which would require federal prisoners to pay a nominal fee when they initiate certain visits for medical attention. Fees collected from prisoners subject to an order of restitution shall be paid to victims in accordance with the order. Seventy-five percent of all other fees would be deposited in the Federal Crime Victims' Fund and the remainder would go to the Federal Bureau of Prisons (BOP) and the U.S. Marshals Service for administrative expenses incurred in carrying out this Act.

Each time a prisoner pays to heal himself, he will be paying to heal a victim.

Most working, law-abiding Americans are required to pay a copayment fee when they seek medical attention. It is time to impose this requirement on federal prisoners.

The Department of Justice supports the Federal inmate user fee concept, and worked with us on crafting the language contained in this Act.

To date, well over half of the states—including our home states of Arizona and South Dakota—have implemented state-wide prisoner health care copayment programs. Additionally, the following states have enacted this reform: Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, Rhode Island, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin. Additional states are considering implementing copayment programs.

Copayment programs have an outstanding record of success on the state level.

Tennessee, which began requiring $3 copayments in January 1996, reported in late 1997 that the number of infirmary visits per inmate had been cut almost in half. In August 1998, prison officials in Ohio evaluated the nascent state copayment law, finding that the number of prisoners seeing a doctor has dropped 55 percent and that between March and August the copayment fee generated $89,500. In Arizona, there has been a reduction of about 30 percent in the number of requests for health care services.

Copayment programs reduce the overutilization of health care services without denying necessary care to the indigent. By discouraging the overuse of health care, the Prisoner Health Care Copayment Act should (1) help prisoners in true need of attention to receive better care, (2) benefit taxpayers through a reduction in the expense of operating a prison health care system, and (3) reduce the burden on corrections officers to escort prisoners feigning illness to health care facilities is reduced.

The Act prohibits the refusal of treatment for financial reasons or for appropriate preventive care.

Congress should follow the lead of the states and provide the federal Bureau of Prisons with the authority to charge federal inmates a nominal fee for elective health care visits. The federal system is particularly ripe for reform. According to the 1996 Corrections Yearbook, the system spends more per inmate on health care than virtually every state. Federal inmate health care totaled $354 million in fiscal year 1998, up from $138 million in fiscal year 1990. Average cost per inmate has increased over 36 percent during this period, from $2,483 to $3,363.

Before I conclude, I would like to thank my colleague Senator JOHNSON for his support and assistance with this legislation. Additionally, I appreciate the assistance of the Arizona Department of Corrections, and the office staff of Sheriff Buchanan in helping me draft this reform.

I look forward to continuing to work with the Department of Justice, the Bureau of Prisons, and colleagues on both sides of the aisle, to implement a fee-for-medical-service-program—a sensible and overdue reform—for federal prisoners.

● Mr. JOHNSON. Mr. President, I am pleased today to join Senator KYL in introducing the Federal Prisoner Health Care Copayment Act. The Kyl-Johnson bill will require federal prisoners to pay a nominal fee when they initiate certain visits for medical attention. Fees collected from prisoners will either be paid as restitution to victims or be deposited into the Federal Crime Victims' Fund. My state of South Dakota is one of 34 states that have implemented state-wide prisoner health care copayment programs. The Department of Justice supports extending this prisoner health care copayment program to federal prisoners in an attempt to reduce unnecessary medical procedures and ensure that adequate health care services are available for prisoners who need them.

My interest in the prisoner health care copayment issue came from discussions I had in South Dakota with a number of law enforcement officials and US Marshal Lyle Swenson about the equitable treatment between presentencing federal prisoners housed in county jails and the county prisoners residing in those same facilities. Currently, county prisoners in South Dakota are subject to state and local laws allowing the collection of a health care copayment, while Marshals Service prisoners are not, thereby allowing federal prisoners to abuse health care resources at great cost to state and local law enforcement.

I want to thank Senator KYL for working with me on specific concerns raised by South Dakota law enforcement officials and the US Marshals Service that I wanted addressed in the bill. I sincerely appreciate Senator KYL's willingness to incorporate my language into the Federal Prisoner Health Care Copayment Act that allows state and local facilities to collect health care copayment fees when housing pre-sentencing federal prisoners.

I also worked with Senator KYL to include sufficient flexibility in the Kyl-Johnson bill for the Bureau of Prisons and local facilities contracting with the Marshals Service to maintain preventive-health priorities. The Kyl-Johnson bill prohibits the refusal of treatment for financial reasons or for appropriate preventive care. I am pleased this provision was included to pre-empt long term, and subsequently more costly, health problems among prisoners.

The goal of the Kyl-Johnson Federal Prisoner Health Care Copayment Act is not about generating revenue for the federal, state, and local prison systems. Instead, current prisoner health care copayment programs in 34 states illustrate the success in reducing the number of frivolous health visits and strain on valuable health care resources. The Kyl-Johnson bill will ensure that adequate health care is available to those prisoners who need it, without straining the budgets of taxpayers.

By Mr. ASHCROFT:

S. 705. A bill to repeal section 8003 of Public Law 105–174; to the Committee on Commerce, Science, and Transportation.

HOME PAGE TAX REPEAL ACT

Mr. ASHCROFT. Mr. President, Daniel Webster argued to the Supreme Court in *McCulloch* v. *Maryland* that the power to tax involves the power to destroy. Chief Justice Marshall was so taken with Webster's argument that he made it the central premise of his landmark opinion for the Court. Fully cognizant of the potential for abuse inherent in the power to tax, the framers carefully circumscribed this power. The Constitution limits the tax power to the Congress and requires revenue bills to originate in the House of Representatives, the body most responsive to the people. The notion that unelected bureaucrats could levy taxes absent any congressional authority would have been a complete anathema to the framers. It is a long way from ''no taxation without representation'' to taxation without notice, representation or even participation from the Congress.

Unfortunately, the National Science Foundation appears to have forgotten that the power to tax belongs to the Congress and to Congress alone. Since 1992, the National Science Foundation has employed a private sector firm to registering second-level domain names, which are the unique identifiers that precede ''.com'' or ''.org.'' In 1995, the National Science Foundation amended its agreement with the firm to allow it to charge a $100 registration fee, and a $50 renewal fee. If those fees had been designed simply to allow the private firm to cover its costs and make a modest profit they would be unproblematic. However, that is not what happened here. The National Science Foundation, without any congressional authority, required the private firm to set aside 30 percent of the total fees collected and turn them over to the National Science Foundation's Intellectual Infrastructure Fund. In short, without any congressional authorization, the National Science Foundation levied a substantial tax (at greater than a 42-percent rate) on a necessary item for doing business on the Internet.

Allowing this agency action to go unremedied would set a terrible precedent. Why should any agency suffer through the vagaries of the appropriations process if it can just impose its own taxes? As long as the agency has a monopoly over a necessary permit or license, it can set just about any tax rate it pleases. The agency could then use these tax revenues to fund its activities without too much concern for the appropriators and authorizers in Congress.

The potential for abuse in such unauthorized and unconstitutional taxes was not lost on the Federal District Court that heard a challenge to the National Science Foundation's actions. The Court correctly determined that the National Science Foundation's actions amounted to an unconstitutional tax. Remarkably, Congress, rather than taking the National Science Foundation to task for its arrogation of taxing authority, actually ratified the Foundation's actions in a provision in last year's supplemental appropriations bill. The message this sends to federal agencies is intolerable. It creates a perverse and unconstitutional incentive for agencies to impose unauthorized taxes with every reason to believe that a Congress that has never seen a revenue source it did not like will ratify its misbehavior.

What is more, the National Science Foundation's actions and Congress' ratification of those actions are inconsistent with the spirit of the Internet Tax Moratorium Act we passed last year. At the same time that we are telling States and localities that they cannot impose discriminatory taxes on the Internet, Congress is ratifying a 42% tax on the registration of domain names. Congress must be consistent with respect to Internet taxation. We must act to repeal the ratification of this unconstitutional tax. The bill I introduce today, the Home Page Tax Repeal Act of 1999 does just that. It sends a clear message that Congress will not tolerate taxation of the Internet and will not allow federal bureaucrats to wield the power of taxation.

Finally, let me be clear that my criticism of the National Science Foundation's actions in levying this tax should not be mistaken for criticism of the policies they have pursued or of the uses to which they have put the revenues. I am fully supportive of efforts to ensure that we study the growth of the Internet and that the infrastructure supporting the Internet keeps up with rapid growth of this incredible medium. Indeed, spending for these purposes is so clearly justified that I have every confidence that sufficient funds will be appropriated through the normal appropriations process. But that is the process that should be followed. Allowing an agency to short-circuit that process and impose unconstitutional taxes—even with the best of motives—is simply unacceptable. The power to tax is indeed the power to destroy. The power to tax is oppressive enough in the hands of elected officials who must face the voters. That same power in the hands of unelected bureaucrats is intolerable. On behalf of the people we represent, Congress should reclaim its

proper constitutional authority and reject—not ratify—this unconstitutional tax.

By Ms. SNOWE (for herself, Mrs. HUTCHISON, Mrs. MURRAY, Ms. MIKULSKI, Mrs. BOXER, Ms. COLLINS, Mr. ROCKEFELLER, MR. REID, Mr. BIDEN, Mr. AKAKA, Mr. KERRY, Mr. ASHCROFT, Mr. DODD, Mr. DURBIN, Mr. TORRICELLI, Mr. INOUYE, Mr. LIEBERMAN, and Mr. SARBANES):

S. 706. A bill to create a National Museum of Women's History Advisory Committee; to the Committee on Rules and Administration.

ADVISORY COMMITTEE FOR THE NATIONAL MUSEUM OF WOMEN'S HISTORY

● Ms. SNOWE. Mr. President, in honor of Women's History Month, today I am introducing legislation to create an Advisory Committee for the National Museum of Women's History. I am pleased to be joined by 17 of my colleagues: Senators HUTCHISON, MURRAY, MIKULSKI, BOXER, COLLINS, ROCKEFELLER, REID, BIDEN, AKAKA, KERRY (MA), ASHCROFT, DODD, DURBIN, TORRICELLI, INOUYE, LEIBERMAN, and SARBANES.

For far too long, women have contributed to history, but have largely been forgotten in our history books, in our monuments, and in our museums. It is long past time that the roles women have played be removed from the shadows of indifference and given a place where they can shine.

The bill we are introducing today will create a 26 member Advisory Committee to look at the following three issues and report back to Congress concerning (1) identification of a site for the museum in the District of Columbia; (2) development of a business plan to allow the creation and maintenance of the museum to be done solely with private contributions and 3) assistance with the collection and program of the museum.

It is important to note that this bill does not commit Congress to spending any money for this museum. The Committee's report will tell us the feasibility of funding the museum privately. And I believe that the Museum's Board has shown that they have the ability to do just that.

The concept for the National Museum of Women's History (NMWH) was created back in 1996. Since that time, the Board of Directors, lead by President Karen Staser, has worked tirelessly to build support and interest for this project. And judging by the fact that they have raised more than $10.5 million for the project, lent their support to the moving of the Suffragette statute from the crypt to the Rotunda, and raised $85,000 for that effort, I'd say they are well on their way to success.

They have also spent a lot of time answering the question ''why do we need a women's museum when we have the SMITHsonian.'' The first answer to that comes from Edith Mayo, Curator Emeritus of the Smithsonian National Museum of American History, who notes that since 1963 only two exhibits—two—were dedicated to the role of women in history.

The fact is, in the story of America's success, the chapter on women's contributions has largely been left on the editing room floor. Here's what I mean: Many of us know that women fought and got the vote in 1920, with the ratification of the 19th Amendment to the Constitution. But how many know that Wyoming gave women the right to vote in 1869, 51 years earlier, and that by 1900 Utah, Colorado and Idaho had granted women the right to vote? Or that the suffragette movement took 72 years to meet its goal? And few know that the women of Utah sewed dresses made from silk for the Suffragettes on their cross country tour.

History is filled with other little known but significant milestones: like the first woman elected to the United States Senate was Hattie Wyatt Caraway from Louisiana in 1932. That Margaret Chase Smith, from my home state of Maine, was the first woman elected to the US Senate in her own right in 1948, and in 1962 became the first women to run for the US Presidency in the primaries of a major political party. Or that the first female cabinet member was Frances Perkins, Secretary of Labor for FDR.

How many people know that Margaret Reha Seddon was the first US woman to achieve the full rank of astronaut, and flew her first space mission aboard the Space Shuttle ''Discovery'' in 1985, twenty three years after the distinguished former Senator from the State of Ohio, John Glenn completed his historic first flight in space?

And I can guarantee you more people know the last person to hit over .400 in baseball—Ted Williams—than can name the first woman elected to Congress—Jeannette Rankin of Montana, who was elected in 1916, four years before ratification of the 19th Amendment gave women the right to vote.

Hardly household names. But they should be. And with a place to showcase their accomplishments, perhaps one day they will take their rightful place beside America's greatest minds, visionary leaders, and groundbreaking figures. But until then, we have a long way to go.

Whatever period of history you chose—women played a role. Sybil Ludington, a 16-year-old, rode through parts of New York and Connecticut in April of 1777 to warn that the Redcoats were coming. Sacajawea, the Shoshone Indian guide, helped escort Lewis and Clark on their 8000 mile expedition. Rosa Parks, Jo Ann Robinson and Myrlie Evers played important roles in the civil rights movement in the 50's and 60's. And as we move into the 21st century, the role of women—who now make up 52 percent of the population—will continue to be integral to the future success of this country.

In fact the real question about the building of a women's museum is not so much where it will be built—although that remains to be explored. And it's not even who will pay for it—as I've said, it will be done entirely with private funds. The real question when it comes to a museum dedicated to women's history is, where will they put it all!

I would argue that we have a solemn responsibility to teach our children, and ourselves, about our rich past—and that includes the myriad contributions of women, in all fields and every endeavor. These women can serve as role models and inspire our youth. They can teach us about our past and guide us into our future. They can even prompt young women to consider a career in public service—as Senator Smith of Maine did for me.

Instead, today in America, more young women probably know the names of the latest super models then the names of the female members of this Administration's Cabinet. That is why we need a National Museum of Women's History, that is why I am proud to sponsor this legislation, and that is why I hope that my colleagues will join us in supporting the creation of this Advisory Committee as a first step toward writing the forgotten chapters of the history of our nation.●

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, Mr. CHAFEE, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, and Mr. KERREY):

S. 708. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

THE STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 1999

Mr. DEWINE. Mr. President, I rise today to introduce the Strengthening Abuse and Neglect Courts Act of 1999, a bill to improve the administrative efficiency and effectiveness of the juvenile and family courts, as well as the quality and availability of training for judges, attorneys and guardian ad litems. I am joined in this introduction by Senator ROCKEFELLER, and I thank him for all of his hard work on behalf of abused and neglected children and I look forward to working with him as we move forward with this legislation.

I have been involved with children's issues for over two decades, not just as the father of eight, but also as a local county elected official. I know the kinds of problems that exist at the ground level, and I think it's very important that we work together to address them.

This is especially true today, as opposed to a couple of years ago, because the child welfare agencies and the