

“(A) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this section has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).”

“(B) TRANSFER OF FUNDS.—If, under subparagraph (A), the Secretary of the Treasury estimates that the enactment of this section has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such section.

“(j) LIMITATION ON ACTIONS.—

“(1) IN GENERAL.—Except as provided for in paragraph (2), no action may be brought under subsection (a)(1)(B), (a)(2), or (a)(3) of section 502 by a participant or beneficiary seeking relief based on the application of any provision in this section.

“(2) PERMISSIBLE ACTIONS.—An action may be brought under subsection (a)(1)(B), (a)(2), or (a)(3) of section 502 by a participant or beneficiary seeking relief based on the application of this section to the individual circumstances of that participant or beneficiary; except that—

“(A) such an action may not be brought or maintained as a class action; and

“(B) in such an action relief may only provide for the provision of (or payment for) benefits, items, or services denied to the individual participant or beneficiary involved (and for attorney’s fees and the costs of the action, at the discretion of the court) and shall not provide for any other relief to the participant or beneficiary or for any relief to any other person.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as affecting any action brought by the Secretary.

“(k) EFFECTIVE DATE.—The provisions of this section shall apply to group health plans for plan years beginning after, and to health insurance issuers for coverage offered or sold after, October 1, 2000.”

(b) INFORMATION REQUIREMENTS.—

(1) INFORMATION FROM GROUP HEALTH PLANS.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end the following:

“(7) INFORMATION FROM GROUP HEALTH PLANS.—

“(A) PROVISION OF INFORMATION BY GROUP HEALTH PLANS.—The administrator of a group health plan subject to the requirements of paragraph (1) shall provide to the Secretary such of the information elements described in subparagraph (C) as the Secretary specifies, and in such manner and at such times as the Secretary may specify (but not more frequently than 4 times per year), with respect to each individual covered under the plan who is entitled to any benefits under this title.

“(B) PROVISION OF INFORMATION BY EMPLOYERS AND EMPLOYEE ORGANIZATIONS.—An employer (or employee organization) that maintains or participates in a group health plan subject to the requirements of paragraph (1) shall provide to the administrator of the plan such of the information elements required to be provided under subparagraph (A), and in such manner and at such times as the Secretary may specify, at a frequency consistent with that required under subparagraph (A) with respect to each individual described in subparagraph (A) who is covered

under the plan by reason of employment with that employer or membership in the organization.

“(C) INFORMATION ELEMENTS.—The information elements described in this subparagraph are the following:

“(i) ELEMENTS CONCERNING THE INDIVIDUAL.—

“(I) The individual’s name.

“(II) The individual’s date of birth.

“(III) The individual’s sex.

“(IV) The individual’s social security insurance number.

“(V) The number assigned by the Secretary to the individual for claims under this title.

“(VI) The family relationship of the individual to the person who has or had current or employment status with the employer.

“(ii) ELEMENTS CONCERNING THE FAMILY MEMBER WITH CURRENT OR FORMER EMPLOYMENT STATUS.—

“(I) The name of the person in the individual’s family who has current or former employment status with the employer.

“(II) That person’s social security insurance number.

“(III) The number or other identifier assigned by the plan to that person.

“(IV) The periods of coverage for that person under the plan.

“(V) The employment status of that person (current or former) during those periods of coverage.

“(VI) The classes (of that person’s family members) covered under the plan.

“(iii) PLAN ELEMENTS.—

“(I) The items and services covered under the plan.

“(II) The name and address to which claims under the plan are to be sent.

“(iv) ELEMENTS CONCERNING THE EMPLOYER.—

“(I) The employer’s name.

“(II) The employer’s address.

“(III) The employer identification number of the employer.

“(D) USE OF IDENTIFIERS.—The administrator of a group health plan shall utilize a unique identifier for the plan in providing information under subparagraph (A) and in other transactions, as may be specified by the Secretary, related to the provisions of this subsection. The Secretary may provide to the administrator the unique identifier described in the preceding sentence.

“(E) PENALTY FOR NONCOMPLIANCE.—Any entity that knowingly and willfully fails to comply with a requirement imposed by the previous subparagraphs shall be subject to a civil money penalty not to exceed \$1,000 for each incident of such failure. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as those provisions apply to a penalty or proceeding under section 1128A(a).”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 180 days after the date of the enactment of this Act.

(c) MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS.—

(1) REPEAL OF INSTALLMENT METHOD FOR ACCRUAL BASIS TAXPAYERS.—

(A) IN GENERAL.—Subsection (a) of section 453 of the Internal Revenue Code of 1986 (relating to installment method) is amended to read as follows:

“(a) USE OF INSTALLMENT METHOD.—

“(1) IN GENERAL.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

“(2) ACCRUAL METHOD TAXPAYER.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (1)(2).”

(B) CONFORMING AMENDMENTS.—Sections 453(d)(1), 453(i)(1), and 453(k) of such Act are each amended by striking “(a)” each place it appears and inserting “(a)(1)”.

(2) MODIFICATION OF PLEDGE RULES.—Paragraph (4) of section 453A(d) of such Act (relating to pledges, etc., of installment obligations) is amended by adding at the end the following: “A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation.”

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Wednesday, July 21, 1999, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1184, a bill to authorize the Secretary of Agriculture to dispose of land for recreation or other public purposes. S. 1129, a bill to facilitate the acquisition of inholdings in Federal land management units and the disposal of surplus public land, and for other purposes, and H.R. 150, a bill to amend the act popularly known as the Recreation and Public Purposes Act to authorize disposal of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224-6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Wednesday, July 22, 1999, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony from the U.S. General Accounting Office on a recent GAO report, 99-166, regarding Forest Service land management priorities. Within this context, GAO will also provide an evaluation of title I and title II of S. 1320, a bill to provide to the Federal land management agencies the authority and capability to manage effectively the Federal lands, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224-6170.

COMMITTEE ON INDIAN AFFAIRS
COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. CAMPBELL. Mr. President, I announce that the Senate Committee on Indian Affairs and the Senate Committee on Energy and Natural Resources will meet during the session of the Senate on Wednesday, July 14, 1999, at 9:30 a.m., to conduct a joint oversight hearing on the Report of the General Accounting Office (GAO) on the Interior Department's Planned Trust Fund Reform. The hearing will be held in room 216 of the Hart Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at (202) 224-2251.

ADDITIONAL STATEMENTS

OLIVER NORTH ARTICLE ON
GENERAL CHUCK KRULAK, USMC

• Mr. BURNS. Mr. President, a couple of weeks ago, I stood on the floor in recognition of General Chuck Krulak's retirement as Commandant of the United States Marine Corps. Since then, I've attended the change of command ceremony at the Marine Barracks, and I must say, I was impressed with how General Krulak reminded us once again what makes Marines and the U.S. Marine Corps important.

I am equally impressed with the conduct of General James Jones, the new Commandant, and his recognition of the challenge he faces in following General Krulak's command. I wish him well and encourage him to continue the traditions maintained by his predecessor in dealing with Congress.

I come to the floor again today for one final addition to General Krulak's record before Congress. Oliver North wrote an excellent editorial recently in the Washington Times that captures the exceptional performance of the Commandant. I ask consent to have it printed in the RECORD.

The material follows:

SEMPER FIDELIS

(By Lt. Col. Oliver L. North (Ret.))

WASHINGTON, DC.—One recent morning, an invitation arrived in the mail. It was to a re-

tirement ceremony at the Marine Barracks here in our nation's capital. I've probably been to more than a hundred of these rites of passage since I joined the Corps more than three decades ago. I won't be able to attend and had to send my sincere regrets for the invitation was to the retirement ceremony for a friend—General Charles C. Krulak, the 31st Commandant of the Marine Corps.

Now, Marine Lieutenant Colonels, even those of us no longer on active service, aren't in the habit of referring to Generals as friends—particularly when the General in question is the top Marine. And we sure don't offer a public critique of his performance as Commandant of all Marines. It just isn't done.

But in this case, somebody needs to do it. Because when Chuck Krulak takes off his Dress Blues with those four stars on the shoulders for the last time as he will at the end of this month, the conscience of the Joint Chiefs of Staff will have retired. And in this town, that kind of moral authority is going to be missed more than most people realize.

For four years, Chuck Krulak has been "the General who tells it like it is"—in public and in private. Whether in testimony on Capitol Hill, in the Pentagon's "tank" where the Joint Chiefs of Staff meet, or at the White House, Chuck Krulak could be counted upon to tell the truth—whether they wanted to hear it or not. His reputation for integrity in a city that too little values this virtue is unparalleled—and a credit to the Corps of Marines he has led through some of the most tumultuous events in our history. His steadfast devotion to his 174,000 Marines is evident in all that he has said and done as Commandant. And very little of it endeared him to an administration hell bent on downsizing, feminizing, and de-"moralizing" America's Armed Forces.

When General Krulak was appointed Commandant in 1995, the Clinton White House was busy taking an axe to America's defense establishment. By the time these draconian cuts were done, the Army would lose eight active combat divisions. The Air Force and Navy would lose 20 air wings—and 2,000 combat aircraft. Another 232 strategic bombers, 13 ballistic missile submarines, four aircraft carriers, all of our battleships, and more than 100 other combat vessels would be sent to the boneyard. Only the Marine Corps was able to withstand Commander-in-Chief Clinton's quest for a mothballed military.

And it didn't stop there. The Marines were badgered to make their boot camps co-ed. General Krulak said no. The Corps was told that it should put women in ground combat assignments in their expeditionary forces. Again, the top Marine said no. When the Pentagon started talking about relaxing the standard on sexual misconduct, Chuck Krulak just said, no. And when a Clinton political appointee responsible for "feminizing" the military decried the Marines as "extremists," the Commandant fired back a blistering response that yes, they were, "extremely fit, extremely faithful and extremely patriotic." In every case he was right.

And he didn't give an inch when the vaunted Clinton "National Security Team" acted as though the Marines had done so much for so long with so little that they could continue to do everything with nothing forever. Faced with unprecedented global commitments and the prospect of declining readiness, Krulak pulled no punches. He told the House and Senate Armed Services Committees that the Marines were ready to per-

form Mission Impossible—but that they needed to be better armed and equipped. He got what he wanted.

While the other branches of our Armed Forces struggle to meet recruiting and retention goals, lower their entrance standards, ease training requirements and try to make military service less "military"—the Corps has done exactly the opposite. Krulak extended boot camp—adding his "Crucible Training" to the already rigorous initiation into the Corps. His Marines loved him for it, and the Corps has thrived.

The power brokers in Washington, who favor "yes men" over honest men, probably won't miss Chuck Krulak very much. But his Marines will. And I will—mostly because I remember him as a young Captain of Infantry, thirty years ago, when we served together in a corner of hell called Vietnam. He was then, as he is today, a warrior and a man of principle, integrity and character. He embodied then, as he does today, the guiding ethos of the Marines—Semper Fidelis—Always Faithful.

Mr. BURNS. Mr. President, I believe you can see how fitting it is that this article be included in the RECORD.●

MEREDITH GARDNER

• Mr. MOYNIHAN. Mr. President. I rise today to pay tribute to Meredith Gardner, long unsung contributor to the identification of spies. Described by the FBI's Robert Joseph Lamphere as "the greatest counter-intelligence tool this country has ever known," Gardner was the National Security Agency's leading enabler of the reading of thousands of enciphered cables intercepted from Soviet foreign intelligence in the 1940's. The NSA, under its various names, spent four decades deciphering what Moscow intended to be an unbreakable Soviet cipher. Gardner and his team painstakingly worked on these messages in a project which came to be known eventually as "VENONA." The resulting VENONA decrypts, which were finally revealed publicly in 1995, detail the Soviet's espionage efforts in the United States during and after World War II.

Gardner has a genius for learning languages, and is fluent in German, Spanish, French and Russian and has had courses in Old High and Middle High German, Old Norse, Gothic, Lithuanian, and Sanskrit. He taught languages at the Universities of Texas and Wisconsin before being recruited by the U.S. Army's Signals Intelligence Service (the precursor to the National Security Agency) shortly after the Japanese bombed Pearl Harbor. The Army wanted people fluent in many languages to work on breaking German and Japanese codes. Until 1955 Gardner worked at Arlington Hall, a former girl's school located 10 miles outside Washington, which served as the Army's headquarters for code-breaking operations. Gardner soon added Japanese to his repertoire of languages. By chance, he became the first American to read in an intercepted message the Japanese word for atom bomb, "genshibakudan."