

2791(c)(2) of the Public Health Service Act, and subparagraph (A) of section 9832(c)(2) of the Internal Revenue Code of 1986 shall not apply to the provisions of this section.

“(i) NO IMPACT ON SOCIAL SECURITY TRUST FUND.—

“(1) IN GENERAL.—Nothing in this section shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

“(2) TRANSFERS.—

“(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 TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.—

(1) IN GENERAL.—Section 904(c) of the Internal Revenue Code of 1986 (relating to limitation on credit) is amended—

(A) by striking “in the second preceding taxable year,” and

(B) by striking “or fifth” and inserting “fifth, sixth, or seventh”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to credits

arising in taxable years beginning after December 31, 2001.

(d) LIMITATIONS ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS.—

(1) BENEFITS TO WHICH EXCEPTION APPLIES.—Section 419A(f)(6)(A) of the Internal Revenue Code of 1986 (relating to exception for 10 or more employer plans) is amended to read as follows:

“(A) IN GENERAL.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are 1 or more of the following:

“(i) Medical benefits.

“(ii) Disability benefits.

“(iii) Group term life insurance benefits which do not provide for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers.”

(2) LIMITATION ON USE OF AMOUNTS FOR OTHER PURPOSES.—Section 4976(b) of such Act (defining disqualified benefit) is amended by adding at the end the following new paragraph:

“(5) SPECIAL RULE FOR 10 OR MORE EMPLOYER PLANS EXEMPTED FROM PREFUNDING LIMITS.—For purposes of paragraph (1)(C), if—

“(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide 1 or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

“(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made,

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund.”

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to contributions paid or accrued after the date of the enactment of this Act, in taxable years ending after such date.

## TREASURY-POSTAL SERVICE APPROPRIATIONS

### CAMPBELL AMENDMENT NO. 1240

Mr. JEFFORDS (for Mr. CAMPBELL) proposed an amendment to the bill (S. 1282) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independence Agencies, for the fiscal year ending September 30, 2000, and for other purposes; as follows:

Amend page 57, line 14 by reducing the dollar figure by \$17,000,000.

On page 11, line 16 strike “\$569,225,000” and insert in lieu thereof “\$570,345,000”.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that on Friday, July 16, 1999, the Committee on Energy and Natural Resources will hold an oversight hearing on Damage to the National Security from Chinese Espionage at DOE Nuclear Weapons Laboratories. The hearing will be held at 9:00

a.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

Those who wish further information may write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, July 21, 1999, at 9:30 a.m. to conduct a hearing on S. 985, the *Inter-governmental Gaming Agreement Act of 1999*. The hearing will be held in room 485, Russell Senate Building.

Please direct any inquiries to committee staff at 202/224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing re judicial nominations, during the session of the Senate on Tuesday, July 13, 1999, at 2:00 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, July 13, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on issues relating to S. 1330, a bill to give the city of Mesquite, Nevada, the right to purchase at fair market value certain parcels of public land in the city, and S. 1329, a bill to direct the Secretary of the Interior to convey certain land to Nye County, Nevada, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "ESEA: Drug Free Schools" during the session of the Senate on Tuesday, July 13, 1999, at 9:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### SEIZING THE MILE

• Mr. SCHUMER. Mr. President, I rise to commend John Sexton, Dean of New York University Law School, for his many years of hard work and dedication to the Law School, the residents

of New York State, and to the improvement of legal education for all Americans. Since 1988, when Sexton became Dean, NYU Law School has become one of America's finest law schools. Dean Sexton should be recognized for his efforts. I ask that the text of "John Sexton Seizing the Mile" by Stephen Englund be printed in the CONGRESSIONAL RECORD.

The text follows:

[From *Lifestyles*, Pre-Spring 1999]

JOHN SEXTON SEIZING THE MILE

(By Stephen Englund)

In the late spring of 1997, veteran reporter James Traub asked, in a headline to a New York Times Magazine feature article, "Is NYU's law school challenging Harvard's as the nation's best?" It was a fair question. NYU Law had come a long way in a short time. A law school that had been little more than a commuter school at the end of World War II was, by 1997, considered by anyone familiar with current developments in legal education to be, as one professor said, "one of the five or six law schools that could plausibly claim to be among the top three in the country." Distinguished academics like Harvard's Laurence Tribe and Arthur Miller had placed NYU (with their own school and with Yale, Stanford and Chicago) in that group. As Tribe put it: "The array of faculty that has moved to NYU over the last decade or so has created a level of scholarship and intellectual distinction and range that is extremely impressive."

In 1997, the notion that NYU's School of Law might be the best was certainly provocative. But 18 months later, after an astonishing (indeed unprecedented) day-long forum at the school titled "Strengthening Democracy in the Global Economy"—a meeting that brought to Washington Square President Clinton, Britain's Prime Minister Tony Blair, Italy's President Romano Prodi and Bulgaria's President Peter Stoyanov, as well as First Lady Hillary Rodham Clinton and a supporting cast of respected intellectuals and other leaders—many people are answering Traub's question with a resounding "Yes!"

Indeed, the rise of NYU over the past few years has been one of the most noted advances on the academic scene—with a growing number of those both in the academy and at the bar offering the view that NYU has become the nation's premier site for legal education. For instance, Michael Ryan, senior partner at New York's oldest law firm, Cadwalader, Wickersham, and Taft—himself a Harvard Law School graduate—told me: "NYU is a more exciting and innovative place than any other law school. The place combines the energy, vitality and diversity like that of the Lexington Avenue subway with the cohesiveness and spirit. The school's innovative global initiative is alone worth the price of admission. If I were a student, I'd choose it over any other school." Chief Judge Harry Edwards of the United States Court of Appeals for the District of Columbia Circuit, viewed by many as the nation's second most important court, said virtually the same thing: NYU is absolutely the place to be these days. I hear more comments about the quality, excitement, and originality of what's going on there than I do about any other law school." As did Pasquale Pasquino, one of Europe's foremost political theorists, who is teaching at the law school this year: "NYU surely has the most prominent, the most productive and the most interesting faculty. Its programs raise some of the most interesting questions raised in any law school." And when I spoke

with Dwight Opperman, who for decades was the leader of West Publishing, the world's largest publisher of law books, he volunteered: "NYU surpasses Harvard in many areas."

Frankly, when I first read Traub's article, and even more when I began to hear views like those of Ryan, Edwards, Pasquino and Opperman, I was more than a little bit surprised. How was it that NYU had come to be seen as seriously challenging—or even surpassing—"name brand" schools like Harvard, Yale, Chicago and Stanford? And how had it happened so quickly? As a former academic, I know that the academy is one of the least variable theaters on the world stage. Far more than in other realms, reputations of colleges, universities and professional schools are improved, if at all at a glacial creep, though they may decline precipitously. Little wonder, then, that NYU's rise to the top of legal education continues to be the topic of so much discussion.

What does explain NYU's ascendancy? Well, one key element is surely the astonishing migration of academic stars from other leading law schools to Washington Square. In academe, it is big news when an established professor at a leading school makes a "lateral move" to a peer institution—even more so when the professor leaves a distinguished chaired professorship in making the move. In legal education, such moves have been relatively rare, in part because law faculties are small (the largest in the country has only 70 to 80 members). Yet over the last 10 years, there has been an unprecedented migration to NYU from schools like Chicago, Harvard, Michigan, Pennsylvania, Stanford, Virginia, and Yale, and NYU can now boast the most distinguished set or "laterals" of any law school.

Another element is its student body. For decades, NYU has drawn strong students, but today the school attracts many of the very best in the country. Today, by any objective criteria—grade point averages, LSAT scores, the number of graduate academic degrees earned, the languages spoken—NYU's student body is among the three of four most selective in the nation.

And then, too, there is NYU's remarkable record in providing those students, as they graduate, with the most coveted legal jobs. NYU's graduates long have dominated the public service bar, but the dramatic development of the past decade is that NYU has edged ahead of Harvard in providing the greatest number of hires by the American Lawyer's 50 leading law firms.

The school's arrival at the top has been ratified in perhaps the most brutal arena of them all: fund-raising. In December 1998, NYU Law completed an extraordinary successful five-year fund-raising campaign. Under the leadership of Martin Payson ('61), the campaign's chairman; Board Chair Martin Lipton ('55); and Vice-Chair Lester Pollock ('57), the campaign has generated 45 gifts in excess of \$1 million. Eight have been in excess of \$5 million, including gifts from Alfred ('65) and Gail Engelberg, Jay ('71) and Gail Furman, Rita ('59) and Gustave Hauser, LL.M. ('57), Jerome Kern ('60) Dwight Opperman, Ingeborg and Ira Rennert, and the Wachtell, Lipton, Rosen & Katz law firm. It took NYU just three years to reach its original five-year goal of \$125 million, and it easily surpassed its revised goal of \$175 million. Only Yale and Harvard law schools join NYU at this level.

Once I discovered these facts, the startling idea that NYU Law School may be the best in the country—perhaps in the world—began to grow on me. And I also realized that this transformation was a riveting tale of "from there to here"—one of the most remarkable in education history. Here it is in a nutshell.