

(6) QUORUM.—Five members of the Commission shall constitute a quorum, however a lesser number of members may hold hearings.

SEC. 4. DUTIES OF THE COMMISSION.

(a) INVESTIGATION.—The Commission is authorized to conduct a thorough investigation of all matters relating to privacy policy.

(b) MANDATORY COMMISSION FUNCTIONS.—The Commission shall—

(1) research and investigate the actual and potential implications to individual privacy of electronic collection, storage, transfer, and usage of personal information by Federal, State, and local governments and the private sector;

(2) review enacted law and proposed Federal and State legislation pertinent to privacy protection and electronic data protection, including sections 552 and 552a of title 5, United States Code (commonly referred to as the Freedom of Information Act and the Privacy Act, respectively), the 1996 Electronic Freedom of Information Act Amendments of 1996 (5 U.S.C. 552 note), Electronic Communications Privacy Act of 1986 (18 U.S.C. 2510 note), Fair Credit Reporting Act (15 U.S.C. 1601 et seq.), and the Cable Television Consumer Protection and Competition Act of 1992 (47 U.S.C. 521 et seq.), and if necessary, propose any legislation to—

(A) ensure appropriate privacy protection for both Government and private sector uses of personal information;

(B) provide the proper balance between privacy protection and legitimate, effective uses of information and the needs of law enforcement agencies; and

(C) eliminate and resolve any conflict between laws; and

(3) evaluate the effectiveness and success of self-regulation privacy initiatives undertaken by the private sector.

(c) DISCRETIONARY COMMISSION FUNCTIONS.—The Commission may—

(1) evaluate the status of Federal and State laws for the purpose of establishing policy objectives for Federal privacy protection and electronic data protection, including efforts to harmonize United States law with that of foreign jurisdictions;

(2) develop model privacy protection, electronic data protection, and fair information practices, standards, and guidelines;

(3) evaluate potential technology that will enhance privacy protection and electronic data protection;

(4) identify privacy protection policies of Federal agencies, and evaluate the possible need for coordination of such policies; and

(5)(A) determine the need for the establishment of a permanent Federal agency, department, or bureau to maintain uniform privacy protection and electronic data protection policy; and

(B) if the Commission determines such an agency is advisable, develop a business plan for the establishment and maintenance of such agency.

(d) REPORTS; RECOMMENDATIONS.—

(1) PROGRESS REPORTS.—The Commission may provide periodic written reports to the President and the Judiciary Committees of the Senate and the House of Representatives on the Commission's activities and findings.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date on which the first meeting of the Commission occurs, the Commission shall submit a written final report to the President and Congress on the Commission's findings.

(B) CONTENTS.—The report shall contain a detailed statement of the Commission's findings and conclusions, together with any recommendations for such legislation and administrative actions as the Commission considers appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings and sit and act at such times and places, administer oaths, and require by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memorandums, papers, and documents as the Commission considers necessary.

(b) SUBPOENA POWERS.—

(1) IN GENERAL.—Subpoenas issued under subsection (a)—

(A) may only be issued pursuant to a majority vote of all the members of the Commission, including affirmative votes by the Chairman and the Vice-Chairman of the Commission;

(B) shall bear the signature of the Chairman of the Commission or any designated member; and

(C) may be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence.

(B) PUNISHMENT.—Any failure to obey the order of the court may be punished by the court.

(3) WITNESS ALLOWANCE AND FEES.—The provisions of section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality any information, suggestions, estimates, and statistics for the purpose of carrying out this Act. Any entity from which such information is requested is authorized and directed, to the extent authorized by law, to furnish the requested information to the Commission, upon request made jointly by the Chairman and Vice Chairman.

(d) CONFIDENTIALITY.—

(1) IN GENERAL.—The Commission may accept from any Federal agency or other person, any identifiable personal data if such data is necessary to carry out its powers and functions.

(2) SAFEGUARDS.—In any case in which the Commission accepts such information, it shall provide all appropriate safeguards to ensure that the confidentiality of the information is maintained and that upon completion of the specific purpose for which such information is required, the information is destroyed or returned to the agency or person from which it was obtained.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF COMMISSION MEMBERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the actual performance of the duties of the Commission.

(2) GOVERNMENT PERSONNEL.—Members of the Commission who are full-time officers or

employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, the members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5326 of such title.

(3) SPECIAL EXPERTS AND CONSULTANTS.—The Chairman of the Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the date on which its final report is submitted to the President and Congress.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated \$5,000,000 to carry out the provisions of this Act.

(b) AVAILABILITY.—Any sums appropriated in this section shall remain available, without fiscal year limitation, until expended.

BANKRUPTCY REFORM ACT OF 1999

HUTCHISON (AND OTHERS) AMENDMENT NO. 2778

Mrs. HUTCHISON (for herself, Mr. BROWNBACK, and Mr. GRAHAM) proposed an amendment to amendment No. 2516 proposed by Mr. KOHL to the bill (S. 625) to amend title 11, United States Code, and for other purposes; as follows:

Strike the period at the end and insert the following: ". The provisions of this section shall not apply to debtors if applicable State law provides by statute that such provisions shall not apply to debtors and shall not take effect in any State before the end of the first regular session of the State legislature following the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, November 10, 1999, beginning at 10 a.m., in Dirksen Room 226, to conduct a hearing.