

(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.

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

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 after the first vote, approximately 12 p.m., in the President's Room to conduct a markup.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Governmental Affairs Committee be authorized to meet on Wednesday, November 10, 1999, at 1 p.m., for a hearing entitled "Private Banking and Money Laundering: A Case Study of Opportunities and Vulnerabilities."

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Governmental Affairs and the Senate Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, November 10, 1999 at 10 a.m. for a hearing regarding Federal Contracting and Labor Policy: Could the Administration's Change to Procurement Regulations Lead to "Blacklisting" Contractors?

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

SUBCOMMITTEE ON INTERNATIONAL RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on International Relations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 10, 1999 at 2 p.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

GEORGE GABRIEL CELEBRATING HIS 90TH BIRTHDAY

• Mr. MOYNIHAN. Mr. President, I rise today to honor my fellow New Yorker George Gabriel on the occasion of his 90th birthday. George has been a war veteran, tennis instructor, lawyer, and vice president of Broadcast Music, Incorporated (B.M.I.). His family will always know him for his love of classical music, quick wit, and pertinent advice.

During World War II, George was stationed in Australia and the Philippines. He distinguished himself as a member of the Army's code-breaking operations, reading enciphered cables intercepted from Japan. This might explain his affinity for the always challenging New York Times crossword puzzles!

After the war, he graduated from Brooklyn Law School and went to work for B.M.I. His work in the field of music copyright prompted a quick rise up the corporate ladder. He was even-

tually promoted to the position of vice president, where he remained until the time of his retirement.

Yet, for all his professional achievements, it is his personal life that gives him the most fulfillment. This epochal moment marks a grand achievement for a man who is a mentor to grandchildren, nieces, and nephews. I offer my prayers to George for continued good health and cheer, and close with a particularly apt Irish blessing:

May joy and peace surround you,
Contentment latch your door,
And happiness be with you now,
And bless you evermore.●

COMPREHENSIVE TEST BAN TREATY

• Mr. COVERDELL. Mr. President, several weeks ago the Senate wisely rejected the Comprehensive Test Ban Treaty. Much was written about how the debate evolved here in the Senate. As one closely involved in this historic debate, I submit for the RECORD an excellent article in the November 8 issue of National Review by Richard Lowry. The article follows.

[From the National Review, Nov. 8, 1999]

TEST-BAN BAN

(By Richard Lowry)

"If we had a hearing and had a vote on the CTBT, we would win overwhelmingly."

—Sen. Joe Biden, July 29, 1998

Jesse Helms mounted his motorized cart and left the Republican cloakroom, just off the Senate floor. Arizona senator Jon Kyl was right behind him. Georgia's Paul Coverdell got word in his office and immediately headed out the door. All were converging on the offices of majority leader Trent Lott late Tuesday afternoon, Oct. 12, as Senate staffers and others buzzed of an imminent deal to avoid a vote on the Comprehensive Test Ban Treaty. Minority leader Tom Daschle had just offered Lott a treaty-saving agreement. Now the small group of Republicans—after clearing Lott's cramped conference room of all staff, to ensure privacy—would decide whether the Senate would vote down a major international treaty for the first time in 80 years.

Their decision would be the culmination of months of work, and it would determine whether the congressional wing of the GOP would win its most significant victory since welfare reform in 1996. They knew they had a strong case on the merits. Defeating the treaty would, among other things, fit into a two-pronged national-security strategy featuring both missile defense and nuclear deterrence; deterrence is impossible without a safe, reliable American arsenal of the sort that the treaty would endanger. Shrewd GOP tactics and a series of Democratic miscalculations had brought the treaty to the brink, and now the senators were back where they had started—around that conference table—pondering whether to push it over the edge.

The first meeting in Lott's office had been in late April, when those same four began a quiet, well-organized effort to defeat the treaty. Kyl was the point man. A bright, serious-minded conservative and an authority on arms control, he had hosted meetings of anti-treaty staff as early as February. Soon after, he enlisted the help of Coverdell, always an important behind-the-scenes Senate player. Treaty opponents realized from the beginning that they would be wise to learn from their defeat on the Chemical Weapons Convention two years earlier, when Lott undercut them at the last minute. The first lesson? Get Lott on board early.

At the April meeting, Lott indicated his opposition to the treaty but said that no decisions could be made until the group determined how many Republicans were with them. So, in early May, treaty opponents began the first in a series of careful "whip checks" of how GOP Senators intended to vote. They gave wide berth to Senators who were likely to support the treaty or might spread word that something was afoot. "There were 15 to 20 members we didn't even ask," says a Senate aide. The first count showed 24 votes against the treaty—10 short of the number needed to stop it—with another 11 "leaning against."

Around this time, an internal debate among treaty opponents was close to resolution, at least in the minds of Kyl and Coverdell. The question had been whether it was better to "go fast"—gather the votes to defeat the treaty, then vote on it right away—or "go slow," in the hope of bottling it up forever. The "go fast" advocates figured treaty opponents would only lose strength as the November 2000 elections neared. With the approach of Election Day, Senators would want to avoid any controversial vote, while the White House would benefit from additional time to hammer its opponents. The chemical-weapons fight had demonstrated the awesome communications power of the administration. Why wait for it to shift into gear?

In early August, Lott was shown a binder full of clips—op-eds and letters—that supported the treaty, which seemed to indicate that the administration's push for it was underway. For a long time, treaty opponents had feared the administration would use a September conference commemorating the third anniversary of the treaty's signing as a deadline for Senate action. A July 20 letter from all the Senate Democrats—demanding hearings and a vote by October—seemed to confirm this plan. A fall treaty fight would coincide nicely with the period in which Republicans would be scrambling to pass appropriations bills. Democrats would have leverage to threaten to bollix up the spending process—creating the conditions for another "government shutdown"—unless Republicans released the treaty.

Lott settled on a three-part interim strategy: (1) Helms—with 25 years' experience opposing ill-conceived arms-control treaties—would continue to hold up the treaty in his Foreign Relations Committee; (2) meanwhile, influential former national-security officials would continue to be lined up in opposition to it; and (3) Kyl and Coverdell would continue to work the vote count. By the time of a Sept. 14 meeting in Lott's office, Kyl could guarantee 34 votes in opposition—just enough. He could also deliver the energetic help of former secretary of defense (and secretary of energy) James Schlesinger.

Before long, the education effort by treaty opponents was in full swing. Kyl's staff prepared briefing books to distribute to other Senate staffers. Two nuclear-weapons experts who had worked in the labs briefed senators both individually and in small groups. And Schlesinger, who had served in both Republican and Democratic administrations, spoke at a luncheon for Republican Senators, then returned for more briefings the following week. "He was key to us," says the Senate aide. The effort began to show in the steadily rising vote count: Sept. 14-34 opposed; Sept. 17-35; Sept. 22-38; Sept. 30—an amazing 42.

At the same time, Democrats heedlessly stepped up their agitation for action on the treaty. North Dakota Senator Byron Dorgan