

since 1993, and on each occasion the Senate has shown its support for the fight against breast cancer by approving the resolution.

Each year, as I prepare to submit this resolution, I review the latest information from the American Cancer Society about breast cancer. For the year 2002, it is estimated that over 203,000 women will be diagnosed with breast cancer and slightly fewer than 40,000 women will die of this disease.

In past years, I have often commented on how gloomy these statistics were. But as I review how these numbers are changing over time, I have come to the realization that it is really more appropriate to be optimistic. The number of deaths from breast cancer is falling from year to year. Early detection of breast cancer continues to result in extremely favorable outcomes: 97 percent of women with localized breast cancer will survive 5 years or longer. New digital techniques make the process of mammography much more rapid and precise than before. Government programs will provide free mammograms to those who can't afford them, as well as Medicaid eligibility for treatment if breast cancer is diagnosed. Information about treatment of breast cancer with surgery, chemotherapy, and radiation therapy has exploded, reflecting enormous research advances in this disease. So I am feeling quite positive about our battle against breast cancer. A diagnosis of breast cancer is not a death sentence, and I encounter long-term survivors of breast cancer nearly daily.

In recent months, the newspapers have been filled with discussion over whether the scientific evidence actually supports the conclusion that periodic screening mammography saves lives. It seems that much of this controversy relates to new interpretations of old studies, and the relatively few recent studies of this matter have not clarified this issue. Most sources seem to agree that all of the existing scientific studies have some weaknesses, but it is far from clear whether the very large and truly unambiguous study needed to settle this matter definitively can ever be done.

So what is a woman to do? I do not claim any expertise in this highly technical area, so I rely on the experts. The American Cancer Society, the National Cancer Institute, and the U.S. Preventive Services Task Force all continue to recommend periodic screening mammography, and I endorse the statements of these distinguished bodies.

On the other hand, I recognize that some women who examine these research studies are unconvinced of the need for periodic screening mammography. However, even those scientists who do not support periodic mammography for all women believe that it is appropriate for some groups of women with particular risk factors. In agreement with these experts, I encourage all women who have doubts about the usefulness of screening mammography

in general to discuss with their individual physicians whether this test is appropriate in their specific situations.

So my message to women is: have a periodic mammogram, or at the very least discuss this option with your own physician.

I know that some women don't have annual mammograms because of either fear or forgetfulness. It is only human nature for some women to avoid mammograms because they are afraid of what they will find. To those who are fearful, I would say that if you have periodic routine mammograms, and the latest one comes out positive, even before you have any symptoms or have found a lump on self-examination, you have reason to be optimistic, not pessimistic. Such early-detected breast cancers are highly treatable.

Then there is forgetfulness. I certainly understand how difficult it is to remember to do something that only comes around once each year. I would suggest that this is where "National Mammography Day" comes in. On that day, let's make sure that each woman we know picks a specific date on which to get a mammogram each year, a date that she won't forget: a child's birthday, an anniversary, perhaps even the day her taxes are due. On National Mammography Day, let's ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Do it for yourself and for the others that love you and want you to be part of their lives for as long as possible.

And to those women who are reluctant to have a mammogram, I say let National Mammography Day serve as a reminder to discuss this question each year with your physician. New scientific studies that are published and new mammography techniques that are developed may affect your decision on this matter from one year to the next. I encourage you to keep an open mind and not to feel that a decision at one point in time commits you irrevocably to a particular course of action for the indefinite future.

I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring and voting for this resolution to designate October 18, 2002, as National Mammography Day.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4532. Mr. BYRD (for himself and Mr. STEVENS) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

SA 4533. Mr. HOLLINGS proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes.

SA 4534. Mr. LIEBERMAN (for himself and Mr. GRAHAM) proposed an amendment to

amendment SA 4513 proposed by Mr. THOMPSON (for himself and Mr. WARNER) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4535. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4532 Mr. BYRD (for himself and Mr. STEVENS) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

TITLE —SUPPLEMENTAL APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

Office of the Secretary

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for 'Office of the Secretary', \$18,000,000 to remain available until expended: Provided, That the Secretary shall transfer these funds to the Agricultural Research Service, the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and/or the Food Safety and Inspection Service; Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

DEPARTMENT OF JUSTICE

Office of Justice Programs

COMMUNITY ORIENTED POLICING SERVICES

For an amount to establish the Community Oriented Policing Services, Interoperable Communications Technology Program in consultation with the Office of Science and Technology within the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement agencies, \$50,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF STATE

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for 'Embassy Security, Construction, and Maintenance' for emergency expenses for activities related to combating international terrorism, \$10,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3
DISTRICT OF COLUMBIA
FEDERAL FUNDS

Federal Payment to the District of Columbia

For a Federal payment to the District of Columbia for public safety expenses related to security events in the District of Columbia, \$12,000,000, to remain available until December 1, 2003: Provided, That the Chief Financial Officer of the District of Columbia shall provide a report, within 15 days of an expenditure, to the Committees on Appropriations of the House of Representatives and Senate, detailing any expenditure of these funds: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4
DEPARTMENT OF ENERGY
ENERGY PROGRAMS
Science

For an additional amount for 'Science' for emergency expenses necessary to support safeguards and security activities, \$11,350,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ATOMIC ENERGY DEFENSE ACTIVITIES
National Nuclear Security Administration
WEAPONS ACTIVITIES

For an additional amount for 'Weapons Activities' for emergency expenses, \$138,650,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 5
BILATERAL ECONOMIC ASSISTANCE
Funds Appropriated to the President
UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT
CHILD SURVIVAL AND HEALTH
PROGRAMS FUND

For an additional amount for 'Child Survival and Health Programs Fund' for emergency expenses for activities related to combating HIV/AIDS, tuberculosis, and malaria, \$200,000,000, to remain available until June 30, 2003: Provided, That such activities should include maternal health and related assistance in communities heavily impacted by HIV/AIDS: Provided further, That additional assistance should be provided to prevent transmission of HIV/AIDS from mother to child: Provided further, That of the funds appropriated under this heading in this Act, not less than \$100,000,000 should be made available for a further United States contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria: Provided further, That the cumulative amount of United States contributions to the Global Fund may not exceed the total resources provided by other donors and available for use by the Global Fund as of December 31, 2002: Provided further, That of the funds appropriated under this heading, up to \$6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading 'Operating Expenses of the United States Agency for International Development' for costs directly related to international health: Provided further, That funds appropriated by this paragraph shall be apportioned to the United States Agency for International Development, and the authority of sections

632(a) or 632(b) of the Foreign Assistance Act of 1961, or any similar provision of law, may not be used to transfer or allocate any part of such funds to any agency of the United States Government: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the funds appropriated under this heading shall be subject to the regular notification procedures of the Committee on Appropriations.

CHAPTER 6
DEPARTMENT OF THE INTERIOR
National Park Service
CONSTRUCTION

For an additional amount for 'Construction', \$17,651,000, to remain available until expended: Provided That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7
DEPARTMENT OF HEALTH AND HUMAN
SERVICES
Office of the Secretary
PUBLIC HEALTH AND SOCIAL SERVICES
EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for 'Public Health and Social Services Emergency Fund' for baseline and follow-up screening and clinical examinations, long-term health monitoring and analysis for the emergency services personnel, rescue and recovery personnel, \$90,000,000, to remain available until expended, of which no less than \$25,000,000 shall be available for current and retired firefighters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 8
DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
GRANTS-IN-AIR FOR AIRPORTS
(AIRPORTS AND AIRWAY TRUST FUND)

For an additional amount to enable the Federal Aviation Administrator to compensate airports for the direct costs associated with new, additional, or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, notwithstanding any other provision of law, \$150,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 9
DEPARTMENT OF THE TREASURY
United States Customs Service
SALARIES AND EXPENSES

For an additional amount for 'Salaries and Expenses' \$39,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 10
INDEPENDENT AGENCY
Federal Emergency Management Agency
EMERGENCY MANAGEMENT PLANNING
AND ASSISTANCE

For an additional amount for 'Emergency management planning and assistance' for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, \$200,000,000, to remain available until September 30, 2003, of which \$150,000,000 is for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.); and \$50,000,000 for interoperable communications equipment: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 4533. Mr. HOLLINGS proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

At the end of subtitle D of title I, add the following:

SEC. 173. MODIFICATION OF MEMBERSHIP AND ADVISORS OF NATIONAL SECURITY COUNCIL.

(a) MEMBERS.—Subsection (a) of section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) in the fourth undesignated paragraph, by redesignating clauses (1) through (6) as subparagraphs (A) through (G), respectively;

(2) by designating the undesignated paragraphs as paragraphs (1) through (4), respectively; and

(3) in paragraph (4), as so designated—

(A) by striking subparagraphs (E) and (F) and inserting the following new subparagraphs:

“(E) the Attorney General;

“(F) the Secretary of Homeland Security; and”;

(B) in subparagraph (G), as so redesignated, by striking “the Chairman of the Munitions Board,” and all that follows and inserting “to serve at the pleasure of the President.”.

(b) ADVISORS.—That section is further amended—

(1) by redesignating subsections (g) through (j) and subsection (i), as added by section 301 of the International Religious Freedom Act of 1998 (Public Law 105-292; 112 Stat. 2800), as subsections (i) through (m), respectively;

(2) by transferring subsection (1) (relating to the participation of the Director of Central Intelligence on the National Security Council), as so redesignated, to appear after subsection (f) and redesignating such subsection, as so transferred, as subsection (g); and

(3) by inserting after subsection (g), as so transferred and redesignated, the following new subsections:

“(h) The Director of the Federal Bureau of Investigation may, in the performance of the Director's duties as the head of the Federal Bureau of Investigation and subject to the direction of the President, attend and participate in meetings of the National Security Council.”

SA 4534. Mr. LIEBERMAN (for himself and Mr. GRAHAM) proposed an amendment to amendment SA 4513 proposed by Mr. THOMPSON (for himself and Mr. WARNER) to the amendment SA 4471 proposed by Mr. LIEBERMAN to

the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

On page 2, line 4, insert after the period the following:

TITLE II—NATIONAL OFFICE FOR COMBATING TERRORISM

SEC. 201. NATIONAL OFFICE FOR COMBATING TERRORISM.

(a) **ESTABLISHMENT.**—There is established within the Executive Office of the President the National Office for Combating Terrorism.

(b) **OFFICERS.**—

(1) **DIRECTOR.**—The head of the Office shall be the Director of the National Office for Combating Terrorism, who shall be appointed by the President.

(2) **EXECUTIVE SCHEDULE LEVEL I POSITION.**—Section 5312 of title 5, United States Code, is amended by adding at the end the following: “Director of the National Office for Combating Terrorism.”.

(3) **OTHER OFFICERS.**—The President shall assign to the Office such other officers as the President, in consultation with the Director, considers appropriate to discharge the responsibilities of the Office.

(c) **RESPONSIBILITIES.**—Subject to the direction and control of the President, the responsibilities of the Office shall include the following:

(1) To develop national objectives and policies for combating terrorism.

(2) To ensure that relevant agencies and entities conduct appropriate risk analysis and risk management activities and provide pertinent information derived such activities to the Office, and to review and integrate such information into the development of the Strategy.

(3) To develop, with the Secretary of Homeland Security, the Strategy under title III.

(4) To coordinate, oversee, and evaluate the implementation and execution of the Strategy by agencies with responsibilities for combating terrorism under the Strategy, particularly those involving military, intelligence, law enforcement, diplomatic, and scientific and technological assets.

(5) To work with agencies, including the Environmental Protection Agency, to ensure that appropriate actions are taken to address vulnerabilities identified by the Directorate of Critical Infrastructure Protection within the Department.

(6)(A) To coordinate, with the advice of the Secretary, the development of a comprehensive annual budget for the programs and activities under the Strategy, including the budgets of the military departments and agencies within the National Foreign Intelligence Program relating to international terrorism, but excluding military programs, projects, or activities relating to force protection.

(B) To have the lead responsibility for budget recommendations relating to military, intelligence, law enforcement, and diplomatic assets in support of the Strategy.

(7) To serve as an advisor to the National Security Council.

(8) To work with the Director of the Federal Bureau of Investigation to ensure that—

(A) the Director of the National Office for Combating Terrorism receives the relevant information from the Federal Bureau of Investigation related to terrorism; and

(B) such information is made available to the appropriate agencies and to State and local law enforcement officials.

(d) **RESOURCES.**—In consultation with the Director, the President shall assign or allocate to the Office such resources, including funds, personnel, and other resources, as the President considers appropriate and that are

available to the President under appropriations Acts for fiscal year 2002 and fiscal year 2003 in the “Office of Administration” appropriations account or the “Office of Homeland Security” appropriations account. Any transfer or reprogramming of funds made under this section shall be subject to the reprogramming procedures in the Treasury and General Government Appropriations Act, 2002 (Public Law 107-67).

SEC. 202. DIRECTOR AND OFFICE.

(a) **DEFINITIONS.**—Unless the context clearly indicates otherwise, the following shall apply for purposes of this division:

(1) **DIRECTOR.**—The term “Director” means the Director of the National Office for Combating Terrorism.

(2) **OFFICE.**—The term “Office” means the National Office for Combating Terrorism established under this title.

(b) **DIRECTOR.**—The Director shall—

(1) develop the strategy with the Secretary under section 102(b)(3); and

(2) carry out the functions under section 192(d)(1) and (2) with the Secretary.

(c) **OFFICE.**—

(1) **RESEARCH AND DEVELOPMENT AGENDA.**—The Under Secretary for Science and Technology shall coordinate with the Office, the OSTP, and other appropriate entities under section 135(c)(2)(A).

(2) **TRANSFERS.**—Section 189(a) shall apply with respect to transfers to the Office.

(3) **GIFTS.**—Section 189(f) shall apply with respect to gifts to the Office.

(4) **DEFINITIONS.**—The definitions developed under section 192(d)(1) shall be considered in determining the mission of the Office.

(5) **OFFICE OF SCIENCE AND TECHNOLOGY POLICY.**—Section 208(a)(1) of the National Science and Technology Policy, Organization, and Priorities Act (42 U.S.C. 6617(a)(1)) is amended by inserting “the National Office for Combating Terrorism,” after “National Security Council.”.

TITLE III—NATIONAL STRATEGY FOR COMBATING TERRORISM AND THE HOMELAND SECURITY RESPONSE

SEC. 301. STRATEGY.

(a) **DEVELOPMENT.**—The Secretary and the Director shall develop the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recovery to counter terrorist threats, including threat, vulnerability, and risk assessment and analysis, and the plans, policies, training, exercises, evaluation, and interagency cooperation that address each such action relating to such threats.

(b) **RESPONSIBILITIES.**—

(1) **RESPONSIBILITIES OF THE SECRETARY.**—The Secretary shall have responsibility for portions of the Strategy addressing border security, critical infrastructure protection, emergency preparation and response, and integrating State and local efforts with activities of the Federal Government.

(2) **RESPONSIBILITIES OF THE DIRECTOR.**—The Director shall have overall responsibility for development of the Strategy, and particularly for those portions of the Strategy addressing intelligence, military assets, law enforcement, and diplomacy.

(c) **CONTENTS.**—The contents of the Strategy shall include—

(1) a comprehensive statement of mission, goals, objectives, desired end-state, priorities and responsibilities;

(2) policies and procedures to maximize the collection, translation, analysis, exploitation, and dissemination of information relating to combating terrorism and the homeland security response throughout the Federal Government and with State and local authorities;

(3) plans for countering chemical, biological, radiological, nuclear and explosives, and cyber threats;

(4) plans for integrating the capabilities and assets of the United States military into all aspects of the Strategy;

(5) plans for improving the resources of, coordination among, and effectiveness of health and medical sectors for detecting and responding to terrorist attacks on the homeland;

(6) specific measures to enhance cooperative efforts between the public and private sectors in protecting against terrorist attacks;

(7) a review of measures needed to enhance transportation security with respect to potential terrorist attacks;

(8) plans for identifying, prioritizing, and meeting research and development objectives to support homeland security needs; and

(9) other critical areas.

(d) **COOPERATION.**—At the request of the Secretary or Director, departments and agencies shall provide necessary information or planning documents relating to the Strategy.

(e) **INTERAGENCY COUNCIL.**—

(1) **ESTABLISHMENT.**—There is established the National Combating Terrorism and Homeland Security Response Council to assist with preparation and implementation of the Strategy.

(2) **MEMBERSHIP.**—The members of the Council shall be the heads of the Federal terrorism prevention and response agencies or their designees. The Secretary and Director shall designate such agencies.

(3) **CO-CHAIRS AND MEETINGS.**—The Secretary and Director shall co-chair the Council, which shall meet at their direction.

(f) **SUBMISSION TO CONGRESS.**—Not later than December 1, 2003, and each year thereafter in which a President is inaugurated, the Secretary and the Director shall submit the Strategy to Congress.

(g) **UPDATING.**—Not later than December 1, 2005, and on December 1, of every 2 years thereafter, the Secretary and the Director shall submit to Congress an updated version of the Strategy.

(h) **PROGRESS REPORTS.**—Not later than December 1, 2004, and on December 1, of each year thereafter, the Secretary and the Director may submit to Congress a report that—

(1) describes the progress on implementation of the Strategy; and

(2) provides recommendations for improvement of the Strategy and the implementation of the Strategy.

SEC. 302. MANAGEMENT GUIDANCE FOR STRATEGY IMPLEMENTATION.

(a) **IN GENERAL.**—In consultation with the Director and the Secretary, the Director of the Office of Management and Budget shall provide management guidance for agencies to successfully implement and execute the Strategy.

(b) **OFFICE OF MANAGEMENT AND BUDGET REPORT.**—Not later than 180 days after the date of the submission of the Strategy referred to under section 301, the Director of the Office of Management and Budget shall—

(1) submit to Congress a report describing agency progress under subsection (a); and

(2) provide a copy of the report to the Comptroller General of the United States.

(c) **GENERAL ACCOUNTING OFFICE REPORT.**—Not later than 90 days after the receipt of the report required under subsection (b), the Comptroller General of the United States shall submit a report to the Governmental Affairs Committee of the Senate, the Government Reform Committee of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives, evaluating—

(1) the management guidance identified under subsection (a); and

(2) Federal agency performance in implementing and executing the Strategy.

SEC. 303. NATIONAL COMBATING TERRORISM STRATEGY PANEL.

(a) **ESTABLISHMENT.**—The Secretary and the Director shall establish a nonpartisan, independent panel to be known as the National Combating Terrorism Strategy Panel (in this section referred to as the “Panel”).

(b) **MEMBERSHIP.**—

(1) **APPOINTMENT.**—The Panel shall be composed of a chairperson and 8 other individuals appointed by the Secretary and the Director, in consultation with the chairman and ranking member of the Committee on Governmental Affairs of the Senate and the chairman and ranking member of the Committee on Government Reform of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to combating terrorism and the homeland security of the United States.

(2) **TERMS.**—

(A) **IN GENERAL.**—An individual shall be appointed to the Panel for an 18-month term.

(B) **TERM PERIODS.**—Terms on the Panel shall not be continuous. All terms shall be for the 18-month period which begins 12 months before each date a report is required to be submitted under subsection (1)(2)(A).

(C) **MULTIPLE TERMS.**—An individual may serve more than 1 term.

(c) **DUTIES.**—The Panel shall—

(1) conduct and submit to the Secretary the assessment of the Strategy; and

(2) conduct the independent, alternative assessment of homeland security measures required under this section.

(d) **ALTERNATIVE ASSESSMENT.**—The Panel shall submit to the Secretary an independent assessment of the optimal policies and programs to combat terrorism, including homeland security measures. As part of the assessment, the Panel shall, to the extent practicable, estimate the funding required by fiscal year to achieve these optimal approaches.

(e) **INFORMATION FROM FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Panel may secure directly from any agency such information as the Panel considers necessary to carry out this section. Upon request of the Chairperson, the head of such department or agency shall furnish such information to the Panel.

(2) **INTELLIGENCE INFORMATION.**—The provision of information under this paragraph related to intelligence shall be provided in accordance with procedures established by the Director of Central Intelligence and in accordance with section 103(d)(3) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(3)).

(f) **COMPENSATION OF MEMBERS.**—Each member of the Panel 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 (including travel time) during which such member is engaged in the performance of the duties of the Panel.

(g) **TRAVEL EXPENSES.**—The members of the Panel 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, while away from their homes or regular places of business in the performance of services for the Panel.

(h) **STAFF.**—

(1) **IN GENERAL.**—The Chairperson of the Panel may, without regard to the civil service laws and regulations, appoint and termi-

nate an executive director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of an executive director shall be subject to confirmation by the Panel.

(2) **COMPENSATION.**—The Chairperson of the Panel may fix the compensation of the executive director and other personnel without regard to 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 5316 of such title.

(3) **PERSONNEL AS FEDERAL EMPLOYEES.**—

(A) **IN GENERAL.**—The executive director and any personnel of the Panel who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) **MEMBERS OF PANEL.**—Subparagraph (A) shall not be construed to apply to members of the Panel.

(4) **REDUCTION OF STAFF.**—During periods that members are not serving terms on the Panel, the executive director shall reduce the number and hours of employees to the minimum necessary to—

(A) provide effective continuity of the Panel; and

(B) minimize personnel costs of the Panel.

(i) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(j) **ADMINISTRATIVE PROVISIONS.**—

(1) **USE OF MAIL AND PRINTING.**—The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other agencies.

(2) **SUPPORT SERVICES.**—The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

(3) **GIFTS.**—The Panel may accept, use, and dispose of gifts or donations of services or property.

(k) **PAYMENT OF PANEL EXPENSES.**—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(l) **REPORTS.**—

(1) **PRELIMINARY REPORT.**—

(A) **REPORT TO SECRETARY.**—Not later than July 1, 2004, the Panel shall submit to the Secretary and the Director a preliminary report setting forth the activities and the findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(B) **REPORT TO CONGRESS.**—Not later than 30 days after the submission of the report under subparagraph (A), the Secretary and the Director shall submit to the committees referred to under subsection (b), and the Committees on Appropriations of the Senate and the House of Representatives, a copy of that report with the comments of the Secretary on the report.

(2) **QUADRENNIAL REPORTS.**—

(A) **REPORTS TO SECRETARY.**—Not later than December 1, 2004, and not later than December 1 every 4 years thereafter, the Panel shall submit to the Secretary and the Director a report setting forth the activities and

the findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(B) **REPORTS TO CONGRESS.**—Not later than 60 days after each report is submitted under subparagraph (A), the Secretary shall submit to the committees referred to under subsection (b), and the Committees on Appropriations of the Senate and the House of Representatives, a copy of the report with the comments of the Secretary and the Director on the report.

SA 4535. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, between lines 6 and 7, insert the following:

SEC. 195A. USE OF COMMERCIAL GOODS AND SERVICES.

(a) **POLICY.**—It has been and continues to be the policy of the United States that, in the process of governing, the United States—

(1) should not compete with its citizens; and

(2) should rely on commercial sources to supply the goods and services needed by the United States Government.

(b) **REQUIREMENT.**—The Secretary of Homeland Security shall rely on commercial sources to supply the goods and services needed by the Department of Homeland Security.

(c) **EXCEPTIONS.**—Subsection (b) does not apply to the performance of the following functions:

(1) A function that is inherently governmental in nature in that—

(A) the performance of such function is so intimately related to the public interest that it must be performed only by United States Government personnel; and

(B) the performance of such function by United States Government personnel does not compete with commercial enterprises in the private sector.

(2) A function that, by law or in the interests of national security, must be performed by United States Government personnel.

(d) **RELATIONSHIP TO OTHER LAW.**—The Secretary of Homeland Security shall administer this section in a manner that is consistent with the policies and laws that are generally applicable to procurements of goods and services by the United States Government.

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 19, 2002, at 2:15 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 2623, to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes;