

(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.

(d) **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;

S. 2640 and H.R. 3421, to provide for adequate school facilities in Yosemite National Park, and for other purposes;

S. 2776, to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes;

S. 2788, to revise the boundary of the Wind Cave National Park in the State of South Dakota;

S. 2880, to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes;

H.R. 3786, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; and

H.R. 3858, to modify the boundaries of the New River Gorge National River, West Virginia.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact David Brooks of the Committee staff at (202) 224-9863.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 12, 2002, at 2:00 p.m., to conduct a hearing and mark-up for the nomination of Wayne A. Abernathy, of Virginia, to be Assistant Secretary of the Treasury for Financial Institutions; a mark-up of S. 2239, the FHA Downpayment Simplification Act of 2002; and a mark-up of S. 1210, Reauthorizing the Native American Housing and Self-Determination Act of 1996.

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

##### COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 12, 2002, to consider favorably reporting H.R. 5063, the Armed Forces Tax Fairness Act of 2002.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 12, 2002 at 10:15 a.m. to hold a hearing on the World Bank's International Development Association.

#### Agenda

##### Witnesses

Panel 1: The Honorable John Taylor, Under Secretary for International Affairs, Department of Treasury, Washington, DC.

Panel 2: Witnesses to be announced.  
The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 12, 2002 at 2:30 p.m. to hold a hearing on the Moscow Treaty.

#### AGENDA

##### Witnesses

Panel 1: The Honorable William J. Perry, Berberian Professor and Senior Fellow, Institute for International Studies, Stanford University, Stanford, CA;

The Honorable Fred C. Iklé, Distinguished Scholar, Center for Strategic and International Studies, Washington, DC.

Panel 2: The Honorable Rose Gottemoeller, Senior Associate, Russian and Eurasian and Global Policy Programs, Carnegie Endowment for International Peace, Washington, DC;

Ambassador James E. Goodby, Nonresident Senior Fellow, Foreign Policy Studies, The Brookings Institution, Washington, DC;

Dr. John P. Holdren, Teresa and John Heinz Professor of Environmental Policy and Director Science, Technology, and Public Policy Program, Belfer Center for Science and International Affairs, John F. Kennedy School of Government, Harvard University, Cambridge, MA;

Mr. Henry D. Sokolski, Executive Director, Nonproliferation Policy Education Center, Washington, DC.

Additional witnesses to be announced.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "One Year Later: Restoring Economic Security for Workers and the Nation," during the session of the Senate on Thursday, September 12, 2002, at 10 a.m., in SD-106.

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

##### COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, September 12, 2002, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on successful strategies for Indian reservation development and the lessons that can be learned from developing country and other Indian tribal economies.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 12, 2002, at 10 a.m. and 2:30 p.m., to hold a joint closed hearing with the House Permanent Select Committee on Intelligence regarding the joint inquiry into the events of September 11, 2001.

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

##### SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Thursday, September 12, 2002, at 2:30 p.m. on S. 2537/H.R. 3833, DOT Kids Implementation and Efficiency Act.

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

#### PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Elmer Ransom, a fellow on the Finance Committee staff, be granted the privilege of the floor during the Senate's proceedings today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I ask unanimous consent that Thomas Swanton, a staff member of Mr. SPECTER's office, be granted floor privileges for the duration of the debate on H.R. 5005, the homeland security bill.

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

Mr. THOMPSON. Mr. President, I ask unanimous consent that a fellow in Senator BROWNBACK's staff, Jay Wolff, be permitted privileges of the floor during the homeland security bill.

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

Mr. THOMPSON. Mr. President, I ask unanimous consent to extend floor privileges to Wan Kim and Michael Volkov, who are both on detail to the minority staff of the Judiciary Committee, during the course of any debate on H.R. 5005, the homeland security bill.

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

Mr. JEFFORDS. Madam President, I ask unanimous consent that Jan Rasgus, a congressional fellow in my office, be granted floor privileges for the remainder of today's session.

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

#### UNANIMOUS CONSENT AGREEMENT—H.R. 5093

Mr. REID. I ask unanimous consent that on Friday, September 13, once the Senate resumes consideration of H.R. 5093, the Department of the Interior appropriations bill, and the Dodd amendment No. 4522, the time until 10:15 be