consume to the distinguished member of the Committee on Energy and Commerce, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, on behalf of Mr. DINGELL, who unfortunately is delayed at the White House, I want to enter into a colloquy with the gentleman from Mississippi.

I appreciate the gentleman's yielding to me to consider the aspects of H.R. 1 that are of jurisdictional interests to the Committee on Energy and Commerce. I regret that time will not allow for a full discussion on the floor of the areas where clarification and collaboration are warranted.

Earlier today, Mr. DINGELL sent a letter to you, Mr. Chairman, outlining areas where the Energy and Commerce Committee would like to work together with your committee in a meaningful manner as the bill moves forward. The response received was that you recognize the Committee on Energy and Commerce has jurisdictional interest in a number of aspects of the bill. Mr. DINGELL wishes to get assurances from you that you will work with us and members of the Energy and Commerce Committee as this legislation moves forward to ensure that the bill does not result in the private sector being subjected to conflicting or inconsistent rules or guidance. Does the gentleman from Mississippi agree?

Mr. THOMPSON of Mississippi. I agree we should avoid conflicting or inconsistent rules or guidance.

Mr. STUPAK. I thank the chairman, and I hereby submit both letters for the RECORD to ensure the record is complete on this matter.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, January 9, 2007.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, DC.

DEAR CHAIRMAN DINGELL: I appreciate your letter regarding certain aspects of H.R. 1, the ''Implementing the 9/11 Commission Recommendations Act of 2007.''

While it is important to note that I do not control the entire process, as there are other House Committees involved and the Senate will likely have its own positions on a variety of these issues, I would be glad to work with you as the legislation moves forward. I agree we should avoid conflicting or inconsistent rules and guidance. As for the specific areas of interest that you raise in your letter, I am pleased to respond to each issue, point by point, as raised in your letter.

First, I would say that it is the my intention that the Secretary of Homeland Security, in developing risk-based funding criteria for first responder programs, coordinate with the Secretary of Health and Human Services. Additionally, I am pleased to work with you to ensure that issues regarding the Department of Energy's Megaports program and the cargo scanning requirement contained in the bill are addressed.

Your letter also seeks clarification on the intended impact of the word ''except'' in section 901 of the bill and how it would relate to activities underway by the Environmental Protection Agency (EPA). In answer to your question, I do agree that the effect of the ''except'' clause is that there is no requirement that for the Department of Homeland Security to perform vulnerability assessments at drinking water utilities. However, I note that the Department of Homeland Security does use the drinking water vulnerability assessments conducted under the Safe Drinking Water Act for a number of purposes, and it works with the EPA on these issues. It is not the intention of this legislation to affect that relationship either. Additionally, it is not my intention that the voluntary program outlined in Title XI of the bill interfere with the mandatory Clean Air Act program. As for energy, I am pleased to work with you to clarify that the bill does not intend to conflict with respect to the types of energy-related regulatory or administrative regimes identified in your letter.

Finally, with respect to your questions on telecommunications and cybersecurity, I am pleased to work with you on the matters raised and agree that the bill does not attempt in any way to diminish or dilute any authority or resources of the Assistant Secretary for Cyber Security or of other Federal agencies engaged in efforts to secure cyber space. I would note that Rep. Zoe Lofgren, a Member of the Homeland Security Committee, was one of the original sponsors of H.R. 285, the bill to create the Assistant Secretary of Cyber Security, during the 109th Congress. I have been glad to work to create this position, and I agree that is not the intention of the bill to weaken that position. I also do not intend to weaken other federal cyber security efforts.

I appreciate the cooperation in this manner and look forward to working with you, as this bill moves through the legislative process.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 9, 2007.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to seek clarification on jurisdictional aspects of H.R 1, the ''Implementing the 9/11 Commission Recommendations Act of 2007''. The bill appears to concern many sectors of the United States economy. These include food safety, chemical safety, energy, electric reliability, nuclear energy, public health and health care, biological threats, telecommunications, the Internet, pipeline safety, safe drinking water, and hydroelectric facilities.

As the Committee on Energy and Commerce has jurisdiction on statutes that concern these economic sectors and has relevant expertise to offer, I would like assurances that you will continue to work with me in a meaningful manner on these issues as the bill moves forward. I believe that such collaboration will help ensure that the bill does not result in the private sector being subjected to conflicting or inconsistent rules or guidance.

I would like to give a few examples of portions of the bill where clarification would be helpful. First, with respect to first responders in emergency situations, Section 101 of the bill requires the Secretary of Homeland Security to establish risk-based evaluation and prioritization criteria for Department of Homeland Security grants to first responders. The new Section 2004(a) of the Homeland Security Act created by Section 101 of this bill requires the Secretary, ''in establishing criteria for evaluating and prioritizing applications for covered grants,'' to ''coordinate'' with ''other Department officials as determined by the Secretary.'' In developing the criteria, do you intend for the Secretary of Homeland Security to coordinate with the Secretary of Health and Human Services, among other Federal agencies?

As to the scanning of containers at foreign ports, there is a provision in Title V of the bill to require the scanning of 100 percent of containers before they leave foreign ports bound for the United States. The Department of Energy has a ''Megaports Initiative'' to secure containers at foreign ports. As the scanning requirement contained in the bill may raise a number of issues involving the Department of Energy's Megaports program, will you work with me to ensure that these issues are addressed?

As to environmental matters, Section 901 requires the Secretary of Homeland Security to prepare a vulnerability assessment of critical infrastructure ''Except where a vulnerability assessment is required under another provision of law.'' The Safe Drinking Water Act requires drinking water utilities to conduct vulnerability assessments and provide them to the Environmental Protection Agency (EPA) for review. Do you agree that the effect of the ''except'' clause is that there is no requirement for Homeland Security officials to perform vulnerability assessments at drinking water utilities?

Continuing with environmental matters, Title XI of the bill directs the Secretary of Homeland Security to develop and implement a program to enhance private sector emergency preparedness through the promotion and use of voluntary standards. Section 112(r) of the Clean Air Act establishes a regulatory program that concerns accidental releases of hazardous chemicals, and the program requires covered facilities to prepare an emergency response plan. That plan must inform the public and local agencies as to accidental releases, emergency health care, and employee training measures. Am I correct that you do not intend for the bill's voluntary program to interfere with the mandatory Clean Air Act program?

Turning to energy, I want to work with you to clarify the bill's effect with respect to independent regulatory commissions in the field, such as the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC), as well as the Department of Energy (DOE), which issues health and safety regulations for protection of the public, workers, and the environment. The areas of concern regarding energy include the following:

(1) The bill's effects on the Energy Reliability Organization recently approved by FERC pursuant to the Energy Policy Act of 2005.

(2) The bill's effects on conditions established by the NRC on construction and operation licenses required of the Nation's nuclear power plants to ensure their safety and reliability, including their ability to withstand natural disasters such as hurricanes and earthquakes and also potential hostile threats.

(3) The bill's effects on rules established by the DOE (in concert with other regulatory agencies such as the Environmental Protection Agency (EPA)) with respect to radiological hazards at the Nation's nuclear waste and weapons facilities, including rules relating to worker safety and the protection of public health and the environment.

Will you work with me to clarify these matters?

Another area of concern relates to various telecommunication issues. One is improving communications interoperability. The National Telecommunications and Information Administration (NTIA), one of the Executive Branch agencies with communications expertise, administers, in consultation with the Department of Homeland Security's, a billion dollar program to improve interoperable emergency communications. Will you

work with me on these telecommunications issues?

Finally, there is the issue of cyber security. For example, several Federal agencies have ongoing efforts to improve cyber security. Similarly, the expert on cyber-security within the Department of Homeland Security is the Assistant Secretary for Cyber Security and Telecommunications, as set out in section 242 of the Department of Homeland Security Appropriations Act for Fiscal Year 2007. Do you agree that this bill does not attempt in any way to diminish or dilute any authority or resources of the Assistant Secretary for Cyber Security or of other Federal agencies engaged in efforts to secure cyber space?

I appreciate your cooperation. In closing, I note that additional issues may be identified that would benefit from our cooperative efforts. Thank you in advance for considering my concerns and providing the necessary clarification on these matters.

Sincerely,

JOHN D. DINGELL,
Chairman,
Committee on Energy and Commerce.

Mr. THOMPSON of Mississippi. I yield 1 minute to the gentleman from Michigan (Mr. STUPAK) for his statement.

Mr. STUPAK. I thank the gentleman for yielding to me as I rise in support of the H.R. 1 legislation to implement the 9/11 Commission recommendations.

For far too long, police officers have not been able to communicate directly with firefighters, EMT, and other emergency personnel. This is called interoperability. This lack of the ability to communicate with each other resulted in the deaths of 121 firefighters on September 11 because no one could tell these firefighters to get out of the building before the World Trade Center fell upon them.

The 9/11 Commission concluded that the inability to communicate was a critical element in the World Trade Center, Pentagon, and Somerset County, Pennsylvania, crash sites. Federal funding of such interagency communication units should be given a high priority, so said the 9/11 Commission.

I have been down to this floor repeatedly since then trying to increase money for interoperability so we could communicate with each other. Last year, I actually introduced an amendment which asked for $5.8 billion of the $18 billion estimated for this interoperability program, and, unfortunately, my Republican colleagues defeated the amendment on a tie vote.

Mr. Speaker, at a minimum, we owe our first responders the tools they need to do the jobs they need to do so that they may protect the American people.

Mr. Speaker, I rise in support of H.R. 1, legislation to implement the 9–11 Commission's recommendation.

For far too long, police officers have not been able to communicate directly with firefighters or EMT in their own city or just across jurisdictional lines. This lack of the ability to communicate is called interoperability. The lack of interoperability resulted in the deaths of 121 firefighters on September 11th because no one could tell these firefighters that the World Trade Center was about to cave in on them.

The 9–11 Commissioners concluded:

The inability to communicate was a critical element of the World Trade Center, Pentagon, and Somerset County, Pennsylvania, crash sites . . . Federal funding of such (interagency communication) units should be given high priority—9–11 COMMISSION REPORT

In 2005, the 9–11 Commission gave Congress and the Administration an "F" for failing to address our nation's interoperability problem.

H.R. 1 would establish a grant program within the Department of Homeland Security dedicated to interoperable communications and require greater accountability at DHS.

In the past, I have offered an amendment to apply $5.8 billion dollars to the new grant program, but my Republican colleagues defeated my amendment on a tie vote.

Republicans defeated similar Democratic efforts in the Homeland Security Committee. Time and time again, the Republican-led House blocked more funding for interoperable communications.

Mr. Speaker, at minimum, we owe our first responders the tools they need to do their jobs to make America safe—our first responders must be able to communicate. Today, Congress is taking steps to provide those tools and ensure we never repeat the mistakes of 9–11.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, it has been almost 3 years since the train bombing in Madrid, almost 2 years since the transit bombing in London, and nearly a year since the commuter rail bombings in Bombay, India; yet the Bush administration has done nothing to protect the Nation's freight and transit rail systems and its millions of passengers.

We cannot keep treating our rail infrastructure as second-class citizens. We have dedicated billions of dollars to repair the rail system in Iraq but have done little to invest in the security upgrades needed right here in America.

Another perfect example of falling down on the job is the administration repeatedly zeroing out the Port Security Grant program, which is one of the few sources for a port to improve anti-terrorist measures in their facilities.

Passing this bill will be the first step in a long road to protecting the people of this Nation and making sure our communities, our first responders, and our transportation workers are safe.

In December 2005, the 9/11 Commission gave the administration and Congress five Fs and 12 Ds. An example of one of these F grades is in providing a risk-based allocation of homeland security.

I encourage all the Members to vote for this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Pursuant to section 507 of House Resolution 6, further proceedings on the bill will be postponed.

SELECT INTELLIGENCE OVERSIGHT PANEL

Mr. HASTINGS of Florida. Madam Speaker, pursuant to section 506 of House Resolution 6, I call up the resolution (H. Res. 35) to enhance intelligence oversight authority, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 35

Resolved, That in clause 4(a) of rule X of the Rules of the House of Representatives, add the following new paragraph at the end:

''(5)(A) There is established a Select Intelligence Oversight Panel of the Committee on Appropriations (hereinafter in this paragraph referred to as the 'select panel'). The select panel shall be composed of not more than 13 Members, Delegates, or the Resident Commissioner appointed by the Speaker, of whom not more than eight may be from the same political party. The select panel shall include the chairman and ranking minority member of the Committee on Appropriations, the chairman and ranking minority member of its Subcommittee on Defense, six additional members of the Committee on Appropriations, and three members of the Permanent Select Committee on Intelligence.

''(B) The Speaker shall designate one member of the select panel as its chairman and one member as its ranking minority member.

''(C) Each member on the select panel shall be treated as though a member of the Committee on Appropriations for purposes of the select panel.

''(D) The select panel shall review and study on a continuing basis budget requests for and execution of intelligence activities; make recommendations to relevant subcommittees of the Committee on Appropriations; and, on an annual basis, prepare a report to the Defense Subcommittee of the Committee on Appropriations containing budgetary and oversight observations and recommendations for use by such subcommittee in preparation of the classified annex to the bill making appropriations for the Department of Defense.

''(E) Rule XI shall apply to the select panel in the same manner as a subcommittee (except for clause 2(m)(1)(B) of that rule).

''(F) A subpoena of the Committee on Appropriations or its Subcommittee on Defense may specify terms of return to the select panel.''.

PARLIAMENTARY INQUIRY

Mr. DREIER. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore (Ms. ZOE LOFGREN of California). State your inquiry.

Mr. DREIER. Under what authority are we considering this resolution, Madam Speaker?

The SPEAKER pro tempore. House Resolution 6 provides for its consideration.

Mr. DREIER. Further parliamentary inquiry, Madam Speaker. Did the order of the House which is allowing for consideration of this resolution specify a specific resolution by number in that order?

The SPEAKER pro tempore. It described the resolution by title.

Mr. DREIER. Further parliamentary inquiry. Are there other resolutions